JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

REGULAR SESSION, 1946

Begun on the eighth day of January and adjourned sine die on the twenty-second day of March, 1946

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HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

Regular Session, 1946

THURSDAY, MARCH 7, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend W. B. Campbell of the Methodist Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Roy W. Arnold	Chas. W. Burnley	A. H. Eversole
Henry Arrowood	Alex. H. Calvert	Henry J. Giles
F. O. Baker	W. K. Coleman	Tom Gilliam
Harold L. Barnes	Fred Creasey	M. B. Gilligan
F. H. Bassett, Jr.	S. J. Daugherty	Otto W. Goff
Ott Begley	L. A. Demumbrun	R. M. Hall
W. G. Biggers	E. R. Denny	C. L. Hammonds
Jack Bingham	Adron Doran	Harold G. Helm
B. J. Bonn	G. I. Drury	E. R. Hilton
J. C. Bradley	Forest C. Easley	Clyde S. Howard
B. K. Brantley	Bernie S. Edlin	Maurice Howard
John Y. Brown	Eck Embry	Jerry F. Howell
Mrs. Mary Burnett	R. R. Ernst	J. J. Huff

Ira W. Hulette	Fred Morgan	E. A. Spencer
Kerby Jennings	Joe T. Morgan	Paul J. Stapleton
Paul Jonas	E. C. Mullins	Geo. W. Steinford
L. H. Jones	Rodes K. Myers	L. S. Stephens
B. F. Kincaid	J. C. Newcomb	Ralph G. Stone
G. O. Kirkpatrick	Thos. A. Noe	E. L. Thompson
Edgar Kitchen	Joe E. Nunn	Ray G. Tipton
Homer E. Losey	Louis T. Peniston	E. N. Todd
A. L. Love	Sylvester Phillips	Walter L. Trivette
H. K. Lowman	L. W. Preston	S. J. Wagner
E. J. Lucas	E. F. Prichard	Harry F. Walters
Ed Marcum	Hobart Rayburn	Lyle H. Webb
F. G. Marquette	Wade H. Riley	W. W. Webster
E. H. Martin	Kelse H. Risner	Geo. J. Weining
W. E. McClure	Amos Runyan	Morris Weintraub
Jack McPherron	J. W. Simmons	Lawrence Wells
Harry L. Moore	Luther Slusher	Rodney Whitlow
J. L. Moore	Forrest Smith	John Wilborn
J. Lee Moore	W. R. Smith	

Mr. Howell moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Maurice Howard moved that the privilege of the floor be extended to Messrs. James Conley and Tom Diskin.

Said motion was agreed to.

Mr. Tipton moved that the privilege of the floor be extended to Judge John Thomas.

Said motion was agreed to.

Mr. W. R. Smith moved that the privilege of the floor be extended to Mr. Troy B. Sturgill.

Said motion was agreed to.

Mr. McPherron moved that the privilege of the floor be

extended to Judge Pattit of Grant County, Mrs. Ola Wilson, Mrs. Bessie Coates, and Messrs. Dalton Caldwell, Clayton Roland, Raymond Vincent.

Said motion was agreed to.

Mr. Denny moved that the privilege of the floor be extended to Mr. Tyrall.

Said motion was agreed to.

Mr. Stapleton moved that the privilege of the floor be extended to Mr. George Gothard.

Said motion was agreed to.

Mr. Martin moved that the privilege of the floor be extended to Messrs. Thomas Silvers and Thomas Dowling.

Said motion was agreed to.

Mr. Myers moved that the privilege of the floor be extended to Mr. J. Boadley Davenport.

Said motion was agreed to.

Mr. Walters moved that the privilege of the floor be extended to Messrs. Hubert Gordon, Mansford Tydings.

Said motion was agreed to.

Mr. Wells moved that the privilege of the floor be extended to Mr. Gilbert Wallace.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed resolutions which originated in that body of the following titles, viz.:

S. Res. 31. Resolution authorizing D. G. Young to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That, D. G. Young, of Beaver Dam, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Ohio Circuit Court for property damage caused by the alleged negligence on the part of the Department of Highways and its employees in the construction of a highway.

Said suit shall be in a sum not to exceed twelve thousand dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

S. Res. 49. Resolution authorizing W. Henry Grimes to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

THAT W. Henry Grimes is hereby authorized to sue the Commonwealth of Kentucky, in the Warren Circuit Court, Warren County, Kentucky, to recover the amount due and owing to him for services as tax commissioner of Warren County, Kentucky, for the years 1930 to 1934, inclusive.

Said suit shall be for a sum not to exceed $1,200.00 and accrued interest.

The Statute of Limitations shall not be a bar to this action.

The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth and settle said claim before suit is filed, if he deems advisable. Any amount recovered in said suit, either by settlement with the Attorney General or a judgment rendered, shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered either by the court or jury as an admission upon the part of the Commonwealth, or of any of its agencies or employes, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 51. Resolution authorizing George G. Logan to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That George Gene Logan, an infant 7 years of age, is authorized, through and by his statutory guardian or next friend to, to sue the Commonwealth of Kentucky in the Letcher Circuit Court for damages resulting to his person and proximately caused by and resulting from negligence of employees of the Highway Department of the Commonwealth of Kentucky, while in their line of duty. Said suit shall be for a sum not in excess of $2500.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth; and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 53. Resolution authorizing John R. Gray to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of the estate of John Robert Gray is authorized to sue the Commonwealth of Kentucky in the Fayette Circuit Court for damages resulting from the death of John Robert Gray caused by alleged negligence on the part of the employees or members of the Kentucky Active Militia of the Commonwealth of Kentucky while said employees or members were in the line of duty as employees or members of the Kentucky Active Militia of this Commonwealth.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 54. Resolution authorizing H. L. Wilkerson to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That H. L. Wilkerson, of Dixon, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Webster Circuit Court for damages resulting from damage to his crops during the years 1941, 1942, 1943, 1944 and 1945, grown on his farm in Webster County, Kentucky, on the north side thereof and south of Dixon and Slaughters, Kentucky State Highway, and approximately four miles east of Dixon, Kentucky, which land lies upon the waters of the Winstead Public Ditch, and which farm contains approximately 180 acres. The damage for which suit is authorized is damage alleged to have been cuased by an overflow of said Winstead Public Ditch, which ditch passes under a bridge being maintained by the Highway Department of Kentucky at said ditch which flows from south to north and flows along the line of the said H. L. Wilkerson northwardly, said overflow being alleged to have been due to the fact that the opening is not sufficient to permit the passage of the ordinary rainfalls in that vicinity, resulting in damages to the crops of the said H. L. Wilkerson.

Said suit shall be for a sum not in excess of $1800.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence or wrongful act upon the part of the Commonwealth; and

this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 55. Resolution authorizing R. G. Hanner to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That R. G. Hanner, of Providence, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Webster Circuit Court for damages resulting from damage to his crops during the years 1941, 1942, 1943, 1944 and 1945, grown on his farm in Webster County, Kentucky, on the west side thereof and east of U. S. Highway 41, and being approximately four miles east of Providence, Kentucky, which land lies upon the waters of Bull Creek, a portion of which has been reconstructed into what is known as the I. N. Baker ditch, and which farm contains approximately 160 acres. The damage for which suit is authorized is damage alleged to have been caused by an overflow of Bull Creek or the I. N. Baker Public Ditch, which creek or ditch passes under a bridge erected and constructed and being maintained by the Highway Department of Kentucky on U. S. Highway 41, which ditch flows from east to west and flows across the said farm of R. G. Hanner westwardly, said overflow being alleged to have been due to the fact that the opening is not sufficient to permit passage of the ordinary rainfalls in that vicinity, resulting in damages to the crops of the said R. G. Hanner.

Said suit shall be for a sum not in excess of $2600.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the court or the jury as an admission of negligence or wrongful act upon the part of the Commonwealth; and this Resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 63. Resolution providing for a Supplemental Legislative Digest.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Journal Plant of the Perry Publishing Company be and they are hereby authorized to issue a supplemental Legislative Digest immediately after the date when all bills become effective without the Governor's signature, and that said Supplemental Legislative Digest shall only disclose the number of the bill, its title, whether it be a House or Senate Bill, and the number of each Resolution, its title, and the fact whether or not it has become effective or was disapproved by the Governor; and that this supplemental Legislative Digest shall be mailed to each member of the General Assembly and each officer to which they have heretofore been distributed, with the final day's issue.

Ordered that said resolutions be printed and referred

To the Committee on Rules.

At the instance of the Committee on Rules, the following bills were introduced, viz.:

By Mr. Brown.

H. B. 510. An Act relating to the payment of certain expenses of deputy sheriffs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That the fiscal court in any county having an assessed value of more than 100,000,000 and containing a population of less than 75,000, comprising a separate judicial district, may pay the costs of gasoline and oil used by deputy sheriffs in the performance of their official duties.

(2) The deputy sheriffs at the end of each month shall furnish a sworn statement as to the amount expended for gasoline and oil during the preceding month, and if same is allowed, the costs thereof shall be paid out of the general funds of the county.

By Messrs. Lowman and Hilton.

H. B. 511. An Act making appropriations for establishing a revolving fund for reimbursing local boards of education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. There is hereby appropriated out of the unencumbered balance in the General Expenditure Fund in the State Treasury to the State Department of Education, the sum of Two Hundred Thousand Dollars, effective as of the date of this Act, for the purpose hereinafter specified. Such sum shall be placed to the credit of a revolving fund account for the State Department of Education, and shall be used for the purpose of making reimbursements to local boards of education in carrying out, in cooperation with the Federal Government, the program of vocational training for veterans of World War II, in trades, industries, agriculture and distributive occupations. Sums received by the State Department of Education from the Federal Government, or its agencies, as repayment of amounts so reimbursed to local boards of education, shall be placed to the credit of said revolving fund account. The revolving fund account shall be maintained as such until June 30, 1948, subsequent to which date no expenditure shall be made from the account, but all sums received from the Federal Government or its agencies, as repayments of amounts so reimbursed to local boards of

education for carrying out the program of vocational training for veterans of World War II, shall continue to be deposited to the credit of said revolving account until September 30, 1948, as of which date the full amount to the credit of the account shall revert in its entirety to the General Expenditure Fund in the State Treasury.

Sec. 2. There is further appropriated out of the unencumbered balance in the General Expenditure Fund in the State Treasury, to the State Department of Education, the sum of Four Thousand Dollars, effective as of the date of this Act, to be used for postage, communication, printing, salaries and other necessary recurring expenses in setting up and administering the revolving fund account, as established in Section 1 of this Act, for the remainder of the current fiscal year ending June 30, 1946. There is further appropriated to the State Department of Education from the General Expenditure Fund, for the fiscal year beginning July 1, 1946, and ending June 30, 1947, and for the fiscal year beginning July 1, 1947, and ending June 30, 1948, the following sums for ordinary recurring expenses of administering the veterans training revolving fund account:

1946-47	$9,250.00
1947-48	9,250.00

Sec. 3. WHEREAS, it is necessary that funds be provided immediately in order that Kentucky's veterans of World War II may obtain the advantages of the vocational training program sponsored by the Federal Government, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bills be printed and referred

To the Committee on Rules.

Mr. Howell offered the following resolution, viz.:

H. Res. 109. A Resolution extending the condolence of the House of Representatives to F. O. Baker on the death of his mother.

Said resolution is as follows, viz.:

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the House of Representatives hereby expresses to Representative F. O. Baker its deepest sympathy in his hour of sorrow occasioned by the recent loss of his beloved mother.

Said resolution was adopted.

Mr. Kitchen moved that the privilege of the floor be extended to Mr. Harvey Partin.

Said motion was agreed to.

Mr. Easley moved that the privilege of the floor be extended to Messrs. E. Kitchen and W. O. Murphy.

Said motion was agreed to.

Mr. Helm moved that a resolution entitled:

H. Res. 10. Resolution authorizing I. L. Story, administrator of the estate of Iza L. Mason to sue the Commonwealth.

Which was reported by the Committee on Claims on January 22, with the expression of opinion that said resolution ought not to pass,

Be advanced to a reading, the report of the Committee to the contrary notwithstanding.

Said motion was agreed to.

Thereupon said resolution was read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills and a resolution of the following titles, viz.:

H. B. 507. An Act providing for the distribution of school equalization funds.

H. B. 508. An Act providing for a Commission to make a factual and comprehensive survey of the Educational System in Kentucky.

H. Res. 65. Resolution authorizing Elizabeth McDonald to sue the Commonwealth.

H. B. 503. An Act relating to embalmers and funeral directors.

H. B. 504. An Act relating to compensation of county jailers.

H. B. 505. An Act relating to Committees to visit State Hospitals for the mentally ill.

H. B. 506. An Act creating and relating to the Agricultural and Industrial Development Commission.

H. Res. 105. Resolution authorizing C. S. Rice to sue the Commonwealth.

H. Res. 106. Resolution authorizing Robert Ballinger to sue the Commonwealth.

H. Res. 108. Resolution authorizing Raymond Clayton to sue the Commonwealth.

S. Res. 50. Resolution authorizing Andrew J. Riley to sue the Commonwealth.

S. B. 118. An Act relating to unemployment compensation.

S. B. 122. An Act making provision for a Department of Banking.

S. B. 164. An Act regulating the practice of public accounting.

S. B. 178. An Act authorizing the establishment and erection of memorials in honor of veterans of World War II.

S. B. 187. An Act authorizing counties and cities to condemn land for flood control.

S. B. 190. An Act relating to landlords' liens.

S. B. 206. An Act to provide for the construction, maintenance and operation of flood controls systems by all the cities of the Commonwealth.

H. B. 509. An Act relating to tax for maintenance of home for dependent children.

S. B. 210. An Act enabling the Kentucky Unemployment Compensation Commission to acquite a site, erect a building, and to issue bonds.

S. B. 189. An Act relating to ordinances and resolutions of cities of the first class.

S. B. 188. An Act relating to the office of assessor in cities of the first class.

S. B. 220. An Act relating to monies paid under Federal Flood Control.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 84. Resolution relating to a suit against the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That MORRISON BAXTON SMITH, Owensboro, Rural Route No. 2, Daviess County, Kentucky, be authorized to sue the Commonwealth of Kentucky in the Daviess County Circuit Court for damages resulting from serious personal injuries sustained on State Highway 54, in Daviess County, Kentucky, caused by alleged negligence on the part of the employees of the Department of Highways of Kentucky while said employes were in the line of duty as employes of this commonwealth.

Said suit shall be for a sum not in excess of $15,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it is advisable. Any amount received in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Gilliam offered the following amendment to said resolution, viz.:

Amend H. Res. 84 by striking out the words "General Fund" and substituting the words "State Road Fund."

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provisions as to the third reading of said resolution at length having been dispensed with and the same being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Maurice Howard	Louis T. Peniston
Henry Arrowood	Jerry F. Howell	Sylvester Phillips
F. O. Baker	J. J. Huff	L. W. Preston
Harold L. Barnes	Ira W. Hulette	E. F. Prichard
F. H. Bassett, Jr.	Kerby Jennings	Hobart Rayburn
Ott Begley	Paul Jonas	Wade H. Riley
W. G. Biggers	L. H. Jones	Kelse H. Risner
Jack Bingham	B. F. Kincaid	Amos Runyan
B. J. Bonn	G. O. Kirkpatrick	J. W. Simmons
J. C. Bradley	Edgar Kitchen	Luther Slusher
B. K. Brantley	Homer E. Losey	Forrest Smith
Mrs. Mary Burnett	A. L. Love	W. R. Smith
Chas. W. Burnley	H. K. Lowman	E. A. Spencer
W. K. Coleman	E. J. Lucas	Paul J. Stapleton
Fred Creasey	Ed Marcum	Geo. W. Steinford
S. J. Daugherty	F. G. Marquette	L. S. Stephens
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	E. L. Thompson
Forest C. Easley	Jack McPherron	Ray G. Tipton
Bernie S. Edlin	Harry L. Moore	E. N. Todd
Eck Embry	J. L. Moore	Walter L. Trivette
R. R. Ernst	J. Lee Moore	Harry F. Walters
Henry J. Giles	Fred Morgan	Lyle H. Webb
Tom Gilliam	Joe T. Morgan	W. W. Webster
M. B. Gilligan	E. C. Mullins	Morris Weintraub
Otto W. Goff	Rodes K. Myers	Lawrence Wells
Harold G. Helm	Thos. A. Noe	Rodney Whitlow
E. R. Hilton	Joe E. Nunn	John Wilborn
Clyde S. Howard		

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Mr. Gilliam offered the following amendment to the title of said resolution, viz.:

Amend H. Res. 84 by adding thereto as a title the following:

Resolution authorizing Morrison Baxter Smith to sue the Commonwealth of Kentucky and/or the State Highway Department.

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Gilliam moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 70. Resolution authorizing Herman A. Birkhead to sue the Commonwealth.

With a Committee amendment thereto by way of Substitute therefor.

Said resolution is as follows, viz.:

Be it resolved by the General Assemby of the Commonwealth of Kentucky:

1. That there be, and there is, hereby appropriated out of the general expenditure fund of the Commonwealth of Kentucky the sum of $6,616.44 to compensate the Honorable Herman A. Birkhead for the services performed by him while acting in the discharge of the duties as Commonwealth's Attorney for the Sixth Kentucky Judicial District.

2. That the Department of Finance and the Director of Finance is hereby authorized and directed to issue its or his warrant upon the State Treasurer for the sum of $6,616.44, payable to the Honorable Herman A. Birkhead as compensation to him for the services rendered to the Commonwealth by

him while so acting as Commonwealth's Attorney during the years 1944 and 1945, for which he has not been paid.

Said Substitute is as follows, viz.:

Be It Resolved by the General Assembly of the Commonwealth of Kentucky:

That Herman A. Birkhead of Owensboro, Kentucky is authorized to sue the Commonwealth of Kentucky in any circuit court of the 5th Judicial District, for damages arising out of the failure and refusal of the Commonwealth to compensate him for services rendered in the capacity of Commonwealth's Attorney for the 6th Judicial District during the years 1942-1943 1944-1945 for which damages the Commonwealth is morally responsible. Said suit shall be for a sum not in excess of $6,616.44.

The Attorney General may investigate the claim and may settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

The General Assembly hereby expressly recognized the moral responsibility of the Commonwealth for damages to the said Herman A. Birkhead, and in any suit that may be filed under authority of this resolution the jury shall have authority only to fix the amount of such damages.

Said Substitute was then adopted.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, and the same being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Maurice Howard	Louis T. Peniston
Henry Arrowood	Jerry F. Howell	Sylvester Phillips
F. O. Baker	J. J. Huff	L. W. Preston
Harold L. Barnes	Ira W. Hulette	E. F. Prichard
F. H. Bassett, Jr.	Kerby Jennings	Hobart Rayburn
Ott Begley	Paul Jonas	Wade H. Riley
W. G. Biggers	L. H. Jones	Kelse H. Risner
Jack Bingham	B. F. Kincaid	Amos Runyan
B. J. Bonn	G. O. Kirkpatrick	J. W. Simmons
J. C. Bradley	Edgar Kitchen	Luther Slusher
B. K. Brantley	Homer E. Losey	Forrest Smith
Mrs. Mary Burnett	A. L. Love	W. R. Smith
Chas. W. Burnley	H. K. Lowman	E. A. Spencer
W. K. Coleman	E. J. Lucas	Paul J. Stapleton
Fred Creasey	Ed Marcum	Geo. W. Steinford
S. J. Daugherty	F. G. Marquette	L. S. Stephens
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	E. L. Thompson
Forest C. Easley	Jack McPherron	Ray G. Tipton
Bernie S. Edlin	Harry L. Moore	E. N. Todd
Eck Embry	J. L. Moore	Walter L. Trivette
R. R. Ernst	J. Lee Moore	Harry F. Walters
Henry J. Giles	Fred Morgan	Lyle H. Webb
Tom Gilliam	Joe T. Morgan	W. W. Webster
M. B. Gilligan	E. C. Mullins	Morris Weintraub
Otto W. Goff	Rodes K. Myers	Lawrence Wells
Harold G. Helm	Thos. A. Noe	Rodney Whitlow
E. R. Hilton	Joe E. Nunn	John Wilborn
Clyde S. Howard		

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Resolved that the title thereof be as amended.

Mr. Gilliam moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 52. Resolution authorizing the personal representative of Gerald Dalton Troutman, deceased, to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Administrator, or Personal Representative, of Gerald Dalton Troutman, deceased, is authorized to sue the Commonwealth of Kentucky in the McLean Circuit Court for damages resulting from the death of said Gerald Dalton Troutman which death was caused by the alleged negligence on the part of an employe, or employes, of the Department of Highways of the Commonwealth of Kentucky while said employe, or employes, was, or were, in the line of duty as employes of this Commonwealth.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the general fund of the Commonwealth of Kentucky upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and prosecuted to judgment in the Circuit Court, either party may appeal to the Court of Appeals of Kentucky, as in other cases.

No statement in this resolution shall be construed by either the court or jury as an admission of negligence on the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument of the case to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold
Henry Arrowood
F. O. Baker
Harold L. Barnes
F. H. Bassett, Jr.
Ott Begley
W. G. Biggers
Jack Bingham
B. J. Bonn
J. C. Bradley
B. K. Brantley
Mrs. Mary Burnett
Chas. W. Burnley
W. K. Coleman
Fred Creasey
S. J. Daugherty
E. R. Denny
Adron Doran
Forest C. Easley
Bernie S. Edlin
Eck Embry
R. R. Ernst
Henry J. Giles
Tom Gilliam
M. B. Gilligan
Otto W. Goff
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Maurice Howard
Jerry F. Howell
J. J. Huff
Ira W. Hulette
Kerby Jennings
Paul Jonas
L. H. Jones
B. F. Kincaid
G. O. Kirkpatrick
Edgar Kitchen
Homer E. Losey
A. L. Love
H. K. Lowman
E. J. Lucas
Ed Marcum
F. G. Marquette
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. L. Moore
J. Lee Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
Thos. A. Noe
Joe E. Nunn
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
L. S. Stephens
Ralph G. Stone
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
Harry F. Walters
Lyle H. Webb
W. W. Webster
Morris Weintraub
Lawrence Wells
Rodney Whitlow
John Wilborn

—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 55. Resolution authorizing Charles Near to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Charles Near is authorized to sue the Commonwealth of Kentucky in the Webster County Circuit Court for damages resulting from property damage and other injuries caused by alleged negligence on the part of the employes of the Department of Highways of Kentucky while said employes were in the line of duty as employes of this Commonwealth.

Said suit shall be for a sum not in excess of $10,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Clyde S. Howard	Louis T. Peniston
Henry Arrowood	Maurice Howard	Sylvester Phillips
F. O. Baker	Jerry F. Howell	L. W. Preston
Harold L. Barnes	J. J. Huff	E. F. Prichard
F. H. Bassett, Jr.	Kerby Jennings	Hobart Rayburn
Ott Begley	Paul Jonas	Wade H. Riley
W. G. Biggers	L. H. Jones	Kelse H. Risner
Jack Bingham	B. F. Kincaid	Amos Runyan
B. J. Bonn	G. O. Kirkpatrick	J. W. Simmons
J. C. Bradley	Edgar Kitchen	Luther Slusher
B. K. Brantley	Homer E. Losey	Forrest Smith
Mrs. Mary Burnett	A. L. Love	W. R. Smith
Chas. W. Burnley	H. K. Lowman	E. A. Spencer
W. K. Coleman	E. J. Lucas	Paul J. Stapleton
Fred Creasey	Ed Marcum	Geo. W. Steinford
S. J. Daugherty	F. G. Marquette	L. S. Stephens
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	E. L. Thompson
Forest C. Easley	Jack McPherron	Ray G. Tipton
Bernie S. Edlin	Harry L. Moore	E. N. Todd
Eck Embry	J. L. Moore	Walter L. Trivette
R. R. Ernst	J. Lee Moore	Harry F. Walters
Henry J. Giles	Fred Morgan	Lyle H. Webb
Tom Gilliam	Joe T. Morgan	W. W. Webster
M. B. Gilligan	E. C. Mullins	Morris Weintraub
Otto W. Goff	Rodes K. Myers	Lawrence Wells
C. L. Hammonds	Thos. A. Noe	Rodney Whitlow
Harold G. Helm	Joe E. Nunn	John Wilborn
E. R. Hilton		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 56. Resolution authorizing Sarah Near to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assemby of the Commonwealth of Kentucky:

That Sarah Near is authorized to sue the Commonwealth of Kentucky in the Webster County Circuit Court for damages resulting from personal injuries caused by alleged negligence on the part of the employes of the Department of Highways of Kentucky while said employes were in the line of duty as empoyes of this Commonwealth.

Said suit shall be for a sum not in excess of $10,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Harold L. Barnes	W. G. Biggers
Henry Arrowood	F. H. Bassett, Jr.	Jack Bingham
F. O. Baker	Ott Begley	B. J. Bonn

J. C. Bradley
B. K. Brantley
Mrs. Mary Burnett
Chas. W. Burnley
W. K. Coleman
Fred Creasey
S. J. Daugherty
E. R. Denny
Adron Doran
Forest C. Easley
Bernie S. Edlin
Eck Embry
R. R. Ernst
Henry J. Giles
Tom Gilliam
M. B. Gilligan
Otto W. Goff
C. L. Hammonds
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Maurice Howard
Jerry F. Howell
J. J. Huff
Kerby Jennings
Paul Jonas
L. H. Jones
B. F. Kincaid
G. O. Kirkpatrick
Edgar Kitchen
Homer E. Losey
A. L. Love
H. K. Lowman
E. J. Lucas
Ed Marcum
F. G. Marquette
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. L. Moore
J. Lee Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
Thos. A. Noe
Joe E. Nunn
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
L. S. Stephens
Ralph G. Stone
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
Harry F. Walters
Lyle H. Webb
W. W. Webster
Morris Weintraub
Lawrence Wells
Rodney Whitlow
John Wilborn

—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 57. Resolution authorizing George E. Grasle to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That George W. Grasle is authorized to sue the Commonwealth of Kentucky in the Henderson County Circuit Court for damages resulting from property damage caused by alleged negligence on the part of the employes of the Department of Highways of Kentucky while said employes were in the line of duty as employes of this Commonwealth.

Said suit shall be for a sum not in excess of $193.67.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court of jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Ott Begley	B. K. Brantley
Henry Arrowood	W. G. Biggers	Mrs. Mary Burnett
F. O. Baker	Jack Bingham	Chas. W. Burnley
Harold L. Barnes	B. J. Bonn	W. K. Coleman
F. H. Bassett, Jr.	J. C. Bradley	Fred Creasey

S. J. Daugherty
E. R. Denny
Adron Doran
Forest C. Easley
Bernie S. Edlin
Eck Embry
R. R. Ernst
Henry J. Giles
Tom Gilliam
M. B. Gilligan
Otto W. Goff
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Maurice Howard
Jerry F. Howell
J. J. Huff
Ira W. Hulette
Kerby Jennings
Paul Jonas
L. H. Jones
B. F. Kincaid
G. O. Kirkpatrick
Edgar Kitchen
Homer E. Losey
A. L. Love
H. K. Lowman
E. J. Lucas
Ed Marcum
F. G. Marquette
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. L. Moore
J. Lee Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
Thos. A. Noe
Joe E. Nunn
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
L. S. Stephens
Ralph G. Stone
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
Harry F. Walters
Lyle H. Webb
W. W. Webster
Morris Weintraub
Lawrence Wells
Rodney Whitlow
John Wilborn

—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 73. Resolution authorizing Harry Savage to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Harry Savage is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commissioner, both or either of them, in the Circuit Court of Carter County, Kentucky, for such damages brought about through the carelessness and negligence of the State Highway Commissioner, his agents or employees. In the event any judgment is recovered by Harry Savage in any such suit or suits for the personal injury or property damaged or the same is compromised or settled, the same shall be paid by the Commissioner of Finance by warrant drawn on the State Treasurer and paid out of the General Fund. Either party to said suit may appeal from any such judgment which may be rendered as in any other civil suit and the case may be settled, compromised or adjusted with the consent and approval of the Attorney General of Kentucky in the same way or manner of any other civil suit.

Anything contained in this Resolution shall not be considered by either the Court or the jury as substantive evidence on the merits of the alleged claim and the court shall instruct that the resolution authorizing this suit or suits shall not be considered as an admission on the part of the Commonwealth of Kentucky or any of its agencies, nor an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

Provided that the amount sued on for personal injuries and loss of time shall not exceed the sum of one thousand ($1,000.00) dollars for said Harry Savage, and that the amount sued on for property damage shall not exceed the sum of two hundred seventy five ($275.00) dollars.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Maurice Howard	Louis T. Peniston
Henry Arrowood	Jerry F. Howell	Sylvester Phillips
F. O. Baker	J. J. Huff	L. W. Preston
Harold L. Barnes	Ira W. Hulette	E. F. Prichard
F. H. Bassett, Jr.	Kerby Jennings	Hobart Rayburn
Ott Begley	Paul Jonas	Wade H. Riley
W. G. Biggers	L. H. Jones	Kelse H. Risner
Jack Bingham	B. F. Kincaid	Amos Runyan
B. J. Bonn	G. O. Kirkpatrick	J. W. Simmons
J. C. Bradley	Edgar Kitchen	Luther Slusher
B. K. Brantley	Homer E. Losey	Forrest Smith
Mrs. Mary Burnett	A. L. Love	W. R. Smith
Chas. W. Burnley	H. K. Lowman	E. A. Spencer
W. K. Coleman	E. J. Lucas	Paul J. Stapleton
Fred Creasey	Ed Marcum	Geo. W. Steinford
S. J. Daugherty	F. G. Marquette	L. S. Stephens
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	E. L. Thompson
Forest C. Easley	Jack McPherron	Ray G. Tipton
Bernie S. Edlin	Harry L. Moore	E. N. Todd
Eck Embry	J. L. Moore	Walter L. Trivette
R. R. Ernst	J. Lee Moore	Harry F. Walters
Henry J. Giles	Fred Morgan	Lyle H. Webb
Tom Gilliam	Joe T. Morgan	W. W. Webster
M. B. Gilligan	E. C. Mullins	Morris Weintraub
Otto W. Goff	Rodes K. Myers	Lawrence Wells
Harold G. Helm	Thos. A. Noe	Rodney Whitlow
E. R. Hilton	Joe E. Nunn	John Wilborn
Clyde S. Howard		

—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 80. Resolution authorizing a suit against the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That C. Hays Foster, Lalla N. Foster and Jane M. Foster jointly are authorized to sue the Commonwealth of Kentucky in the circuit court of Lincoln County in an amount not exceeding SEVEN THOUSAND, FIVE HUNDRED ($7,500.00) DOLLARS for damages caused by the unlawful acts of Sherman Goodpaster, Director of the Division of Insurance and his agents and employes.

2. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed thereon if he deems it advisable. Any amount recovered in such a suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

3. In the event suit is filed and judgment rendered by the circuit court, either party shall have the right to appeal to the Court of Appeals of Kentucky.

4. Nothing contained in this resolution shall be construed as an admission of liability on the part of the Commonwealth, or shall this resolution be introduced in evidence nor commented upon by counsel upon the trial.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	F. H. Bassett, Jr.	B. J. Bonn
Henry Arrowood	Ott Begley	J. C. Bradley
F. O. Baker	W. G. Biggers	B. K. Brantley
Harold L. Barnes	Jack Bingham	Mrs. Mary Burnett

Chas. W. Burnley	G. O. Kirkpatrick	Hobart Rayburn
W. K. Coleman	Edgar Kitchen	Wade H. Riley
Fred Creasey	Homer E. Losey	Kelse H. Risner
S. J. Daugherty	A. L. Love	Amos Runyan
E. R. Denny	H. K. Lowman	J. W. Simmons
Adron Doran	E. J. Lucas	Luther Slusher
Forest C. Easley	Ed Marcum	Forrest Smith
Bernie S. Edlin	F. G. Marquette	W. R. Smith
Eck Embry	E. H. Martin	E. A. Spencer
R. R. Ernst	W. E. McClure	Paul J. Stapleton
Henry J. Giles	Jack McPherron	Geo. W. Steinford
Tom Gilliam	Harry L. Moore	L. S. Stephens
M. B. Gilligan	J. L. Moore	Ralph G. Stone
Otto W. Goff	J. Lee Moore	E. L. Thompson
Harold G. Helm	Fred Morgan	Ray G. Tipton
E. R. Hilton	Joe T. Morgan	E. N. Todd
Clyde S. Howard	E. C. Mullins	Walter L. Trivette
Maurice Howard	Rodes K. Myers	Harry F. Walters
Jerry F. Howell	Thos. A. Noe	Lyle H. Webb
J. J. Huff	Joe E. Nunn	W. W. Webster
Ira W. Hulette	Louis T. Peniston	Morris Weintraub
Kerby Jennings	Sylvester Phillips	Lawrence Wells
Paul Jonas	L. W. Preston	Rodney Whitlow
L. H. Jones	E. F. Prichard	John Wilborn
B. F. Kincaid		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee or Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 86. Resolution authorizing Chester Wright to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky that:

1. Chester Wright is hereby empowered and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky and/or State Highway Commission, or either or both of them in the Campbell Circuit Court for the purpose of determining the extent, if any, of damages resulting to the property of the owners caused by reason of the construction of a new road, bridge and fill aforesaid, if any there be.

2. Said suit shall be for a sum not to exceed $1450.00.

3. In the event any judgment is recovered by the said Chester Wright or any compromise agreement or settlement is made, same shall be paid by the Commissioner of Finance by warrant drawn on the State Treasurer of the Commonwealth of Kentucky and paid out of the general fund.

4. Either party to such suit may appeal from any judgment which may be entered in said action as in any other civil suit, and such case may be settled, compromised or adjusted with the consent and approval of the Attorney General of Kentucky in the same manner as any other suit. The statute of limitations shall not commence to run against the cause of action herein described until the passage of this resolution.

Nothing contained in this resolution shall be considered by either the Court or Jury as substantive evidence on the merits of the alleged damages, and the Court shall instruct the jury that the Resolution authorizing the suit shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies, of any damage done on the part of the Commonwealth of Kentucky or any of its agencies by reason of the construction of said road and fill, nor as an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Maurice Howard	Louis T. Peniston
Henry Arrowood	Jerry F. Howell	Sylvester Phillips
F. O. Baker	J. J. Huff	L. W. Preston
Harold L. Barnes	Ira W. Hulette	E. F. Prichard
F. H. Bassett, Jr.	Kerby Jennings	Hobart Rayburn
Ott Begley	Paul Jonas	Wade H. Riley
W. G. Biggers	L. H. Jones	Kelse H. Risner
Jack Bingham	B. F. Kincaid	Amos Runyan
B. J. Bonn	G. O. Kirkpatrick	J. W. Simmons
J. C. Bradley	Edgar Kitchen	Luther Slusher
B. K. Brantley	Homer E. Losey	Forrest Smith
Mrs. Mary Burnett	A. L. Love	W. R. Smith
Chas. W. Burnley	H. K. Lowman	E. A. Spencer
W. K. Coleman	E. J. Lucas	Paul J. Stapleton
Fred Creasey	Ed Marcum	Geo. W. Steinford
S. J. Daugherty	F. G. Marquette	L. S. Stephens
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	E. L. Thompson
Forest C. Easley	Jack McPherron	Ray G. Tipton
Bernie S. Edlin	Harry L. Moore	E. N. Todd
Eck Embry	J. L. Moore	Walter L. Trivette
R. R. Ernst	J. Lee Moore	Harry F. Walters
Henry J. Giles	Fred Morgan	Lyle H. Webb
Tom Gilliam	Joe T. Morgan	W. W. Webster
M. B. Gilligan	E. C. Mullins	Morris Weintraub
Otto W. Goff	Rodes K. Myers	Lawrence Wells
Harold G. Helm	Thos. A. Noe	Rodney Whitlow
E. R. Hilton	Joe E. Nunn	John Wilborn
Clyde S. Howard		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 87. Resolution authorizing Mrs. Clyde Smith to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky That:

1. Mrs. Clyde Smith is hereby empowered and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky and/or State Highway Commission, or either or both of them in the Campbell Circuit Court for the purpose of determining the extent, if any, of the damages resulting to the property of the owner caused by reason of the construction of the new road, and bridge and fill aforesaid, if any there be.

2. Said suit shall be for a sum not to exceed $4,225.00.

3. In the event any judgment is recovered by the said Mrs. Clyde Smith or any compromise agreement or settlement is made, same shall be paid by the Commissioner of Finance by warrant drawn on the State Treasurer of the Commonwealth of Kentucky and paid out of general fund.

4. Either party to such suit may appeal from any judgment which may be entered in said action as in any other civil suit, and such case may be settled, compromised or adjusted with the consent and approval of the Attorney General of Kentucky in the same manner as any other suit. The statute of limitations shall not commence to run against the cause of action herein described until the passage of this resolution.

Nothing contained in this Resolution shall be considered by either the Court or Jury as substantive evidence on the merits of the alleged damages, and the Court shall instruct the jury that the Resolution authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies, of any damage done on the part of the Commonwealth of Kentucky or any of its agencies by reason of the construction of said road and fill, nor as an ad-

mission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Maurice Howard	Louis T. Peniston
Henry Arrowood	Jerry F. Howell	Sylvester Phillips
F. O. Baker	J. J. Huff	L. W. Preston
Harold L. Barnes	Ira W. Hulette	E. F. Prichard
F. H. Bassett, Jr.	Kerby Jennings	Hobart Rayburn
Ott Begley	Paul Jonas	Wade H. Riley
W. G. Biggers	L. H. Jones	Kelse H. Risner
Jack Bingham	B. F. Kincaid	Amos Runyan
B. J. Bonn	G. O. Kirkpatrick	J. W. Simmons
J. C. Bradley	Edgar Kitchen	Luther Slusher
B. K. Brantley	Homer E. Losey	Forrest Smith
Mrs. Mary Burnett	A. L. Love	W. R. Smith
Chas. W. Burnley	H. K. Lowman	E. A. Spencer
W. K. Coleman	E. J. Lucas	Paul J. Stapleton
Fred Creasey	Ed Marcum	Geo. W. Steinford
S. J. Daugherty	F. G. Marquette	L. S. Stephens
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	E. L. Thompson
Forest C. Easley	Jack McPherron	Ray G. Tipton
Bernie S. Edlin	Harry L. Moore	E. N. Todd
Eck Embry	J. L. Moore	Walter L. Trivette
R. R. Ernst	J. Lee Moore	Harry F. Walters
Henry J. Giles	Fred Morgan	Lyle H. Webb
Tom Gilliam	Joe T. Morgan	W. W. Webster
M. B. Gilligan	E. C. Mullins	Morris Weintraub
Otto W. Goff	Rodes K. Myers	Lawrence Wells
Harold G. Helm	Thos. A. Noe	Rodney Whitlow
E. R. Hilton	Joe E. Nunn	John Wilborn
Clyde S. Howard		

—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 88. Resolution authorizing Floyd Siry to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky that:

1. FLOYD SIRY is hereby empower and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky and/or State Highway Commission, or either or both of them in the Campbell Circuit Court for the purpose of determining the extent, if any, of the damages resulting to the property of the owner caused by reason of the construction of the new road, bridge and fill aforesaid, if any there be.

2. Said suit shall be for a sum not to exceed $640.00.

3. In the event any judgment is recovered by the said Floyd Siry or any compromise agreement or settlement is made, same shall be paid by the Commissioner of Finance by warrant drawn on the State Treasurer of the Commonwealth of Kentucky and paid out of the general fund.

4. Either party to such suit may appeal from any judgment which may be entered in said action as in any other civil suit, and such case may be settled, compromised or adjusted with the consent and approval of the Attorney General of Kentucky in the same manner as any other suit. The statute of limitations shall not commence to run against the cause of action herein described until the passage of this resolution.

Nothing contained in this Resolution shall be considered by either the Court or Jury as substantive evidence on the merits of the alleged damages, and the Court shall instruct the jury that the Resoultion authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies by reason of the construction of said road and fill, nor as an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Henry J. Giles	F. G. Marquette
Henry Arrowood	Tom Gilliam	E. H. Martin
F. O. Baker	M. B. Gilligan	W. E. McClure
Harold L. Barnes	Otto W. Goff	Jack McPherron
F. H. Bassett, Jr.	Harold G. Helm	Harry L. Moore
Ott Begley	E. R. Hilton	J. L. Moore
W. G. Biggers	Clyde S. Howard	J. Lee Moore
Jack Bingham	Maurice Howard	Fred Morgan
B. J. Bonn	Jerry F. Howell	Joe T. Morgan
J. C. Bradley	J. J. Huff	E. C. Mullins
B. K. Brantley	Ira W. Hulette	Rodes K. Myers
Mrs. Mary Burnett	Kerby Jennings	Thos. A. Noe
Chas. W. Burnley	Paul Jonas	Joe E. Nunn
W. K. Coleman	L. H. Jones	Louis T. Peniston
Fred Creasey	B. F. Kincaid	Sylvester Phillips
S. J. Daugherty	G. O. Kirkpatrick	L. W. Preston
E. R. Denny	Edgar Kitchen	E. F. Prichard
Adron Doran	Homer E. Losey	Hobart Rayburn
Forest C. Easley	A. L. Love	Wade H. Riley
Bernie S. Edlin	H. K. Lowman	Kelse H. Risner
Eck Embry	E. J. Lucas	Amos Runyan
R. R. Ernst	Ed Marcum	J. W. Simmons

Luther Slusher	Ralph G. Stone	Lyle H. Webb
Forrest Smith	E. L. Thompson	W. W. Webster
W. R. Smith	Ray G. Tipton	Morris Weintraub
E. A. Spencer	E. N. Todd	Lawrence Wells
Paul J. Stapleton	Walter L. Trivette	Rodney Whitlow
Geo. W. Steinford	Harry F. Walters	John Wilborn
L. S. Stephens		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 89. Resolution authorizing Stephen A. Sheanshang to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky that:

1. Shephen A. Sheanshang is hereby empowered and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky and/or State Highway Commission, or either or both of them in the Campbell Circuit Court for the purpose of determining the extent, if any, of the damages resulting to the property of the owner caused by reason of the construction of the new road, bridge and fill aforesaid, if any there be.

2. Said suit shall be for a sum not to exceed $13,990.

3. In the event any judgment is recovered by the said Stephen A. Sheanshang or any compromise agreement or settlement is made, same shall be paid by the Commissioner of Finance by warrant drawn on the State Treasurer of the Commonwealth of Kentucky and paid out of the general fund.

4. Either party to such suit may appeal from any judgment which may be entered in said action as in any other civil suit, and such case may be settled, compromised or adjusted with the consent and approval of the Attorney General of Kentucky in the same manner as any other suit. The statute of limitations shall not commence to run against the cause of action herein described until the passage of this resolution.

Nothing contained in this Resolution shall be considered by either the Court or Jury as substantive evidence on the merits of the alleged damages, the Court shall instruct the jury that the Resolution authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies, of any damage done on the part of the Commonwealth of Kentucky or any of its agencies by reason of construction of said road and fill, nor as an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Mrs. Mary Burnett	Henry J. Giles
Henry Arrowood	Chas. W. Burnley	Tom Gilliam
F. O. Baker	W. K. Coleman	M. B. Gilligan
Harold L. Barnes	Fred Creasey	Otto W. Goff
F. H. Bassett, Jr.	S. J. Daugherty	Harold G. Helm
Ott Begley	E. R. Denny	E. R. Hilton
W. G. Biggers	Adron Doran	Clyde S. Howard
Jack Bingham	Forest C. Easley	Maurice Howard
B. J. Bonn	Bernie S. Edlin	Jerry F. Howell
J. C. Bradley	Eck Embry	J. J. Huff
B. K. Brantley	R. R. Ernst	Ira W. Hulette

Kerby Jennings	Fred Morgan	W. R. Smith
Paul Jonas	Joe T. Morgan	E. A. Spencer
L. H. Jones	E. C. Mullins	Paul J. Stapleton
B. F. Kincaid	Rodes K. Myers	Geo. W. Steinford
G. O. Kirkpatrick	Thos. A. Noe	L. S. Stephens
Edgar Kitchen	Joe E. Nunn	Ralph G. Stone
Homer E. Losey	Louis T. Peniston	E. L. Thompson
A. L. Love	Sylvester Phillips	Ray G. Tipton
H. K. Lowman	L. W. Preston	E. N. Todd
E. J. Lucas	E. F. Prichard	Walter L. Trivette
Ed Marcum	Hobart Rayburn	Harry F. Walters
F. G. Marquette	Wade H. Riley	Lyle H. Webb
E. H. Martin	Kelse H. Risner	W. W. Webster
W. E. McClure	Amos Runyan	Morris Weintraub
Jack McPherron	J. W. Simmons	Lawrence Wells
Harry L. Moore	Luther Slusher	Rodney Whitlow
J. L. Moore	Forrest Smith	John Wilborn
J. Lee Moore		

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 91. Resolution authorizing Humphrey Collins to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Humphrey Collins (colored) is authorized to sue the Commonwealth of Kentucky in the Webster County Circuit Court for damages resulting from personal injury caused by alleged negligence on the part of the employees of the

Department of Highways of Kentucky while said employees were in the line of duty as employees of this Commonwealth.

Said suit shall be for a sum not in excess of $1000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after the suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Mrs. Mary Burnett	Henry J. Giles
Henry Arrowood	Chas. W. Burnley	Tom Gilliam
F. O. Baker	W. K. Coleman	M. B. Gilligan
Harold L. Barnes	Fred Creasey	Otto W. Goff
F. H. Bassett, Jr.	S. J. Daugherty	Harold G. Helm
Ott Begley	E. R. Denny	E. R. Hilton
W. G. Biggers	Adron Doran	Clyde S. Howard
Jack Bingham	Forest C. Easley	Maurice Howard
B. J. Bonn	Bernie S. Edlin	Jerry F. Howell
J. C. Bradley	Eck Embry	J. J. Huff
B. K. Brantley	R. R. Ernst	Ira W. Hulette

Kerby Jennings	Fred Morgan	W. R. Smith
Paul Jonas	Joe T. Morgan	E. A. Spencer
L. H. Jones	E. C. Mullins	Paul J. Stapleton
B. F. Kincaid	Rodes K. Myers	Geo. W. Steinford
G. O. Kirkpatrick	Thos. A. Noe	L. S. Stephens
Edgar Kitchen	Joe E. Nunn	Ralph G. Stone
Homer E. Losey	Louis T. Peniston	E. L. Thompson
A. L. Love	Sylvester Phillips	Ray G. Tipton
H. K. Lowman	L. W. Preston	E. N. Todd
E. J. Lucas	E. F. Prichard	Walter L. Trivette
Ed Marcum	Hobart Rayburn	Harry F. Walters
F. G. Marquette	Wade H. Riley	Lyle H. Webb
E. H. Martin	Kelse H. Risner	W. W. Webster
W. E. McClure	Amos Runyan	Morris Weintraub
Jack McPherron	J. W. Simmons	Lawrence Wells
Harry L. Moore	Luther Slusher	Rodney Whitlow
J. L. Moore	Forrest Smith	John Wilborn
J. Lee Moore		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 94. Resolution authorizing John L. Harris to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT John L. Harris, of Boyd County, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Boyd County Circuit Court, for compensation due him for services rendered as a deputy state fire marshal during the

first eighteen days of September, 1944, for which compensation the Commonwealth is morally responsible. Said suit shall be for a sum not in excess of $78.

The Attorney General may investigate the claim and may settle the claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund in the State Theasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals.

The General Assembly hereby expressly recognizes the moral responsibility of the Commonwealth for compensation to the said John L. Harris, and in any suit that may be filed under authority of this resolution the jury shall have authority only to fix the amount to be awarded.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Chas. W. Burnley	M. B. Gilligan
Henry Arrowood	W. K. Coleman	Otto W. Goff
F. O. Baker	Fred Creasey	Harold G. Helm
Harold L. Barnes	S. J. Daugherty	E. R. Hilton
F. H. Bassett, Jr.	E. R. Denny	Clyde S. Howard
Ott Begley	Adron Doran	Maurice Howard
W. G. Biggers	Forest C. Easley	Jerry F. Howell
Jack Bingham	Bernie S. Edlin	J. J. Huff
B. J. Bonn	Eck Embry	Ira W. Hulette
J. C. Bradley	R. R. Ernst	Kerby Jennings
B. K. Brantley	Henry J. Giles	Paul Jonas
Mrs. Mary Burnett	Tom Gilliam	L. H. Jones

B. F. Kincaid	E. C. Mullins	E. A. Spencer
G. O. Kirkpatrick	Rodes K. Myers	Paul J. Stapleton
Edgar Kitchen	Thos. A. Noe	Geo. W. Steinford
Homer E. Losey	Joe E. Nunn	L. S. Stephens
A. L. Love	Louis T. Peniston	Ralph G. Stone
H. K. Lowman	Sylvester Phillips	E. L. Thompson
E. J. Lucas	L. W. Preston	Ray G. Tipton
Ed Marcum	E. F. Prichard	E. N. Todd
F. G. Marquette	Hobart Rayburn	Walter L. Trivette
E. H. Martin	Wade H. Riley	Harry F. Walters
W. E. McClure	Kelse H. Risner	Lyle H. Webb
Jack McPherron	Amos Runyan	W. W. Webster
Harry L. Moore	J. W. Simmons	Morris Weintraub
J. L. Moore	Luther Slusher	Lawrence Wells
J. Lee Moore	Forrest Smith	Rodney Whitlow
Fred Morgan	W. R. Smith	John Wilborn
Joe T. Morgan		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 99. Resolution authorizing H. L. Wilkerson to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That H. L. Wilkerson is authorized to sue the Commonwealth of Kentucky in the Webster Circuit Court for damages resulting from damages to his crops during the years, 1941, 1942, 1943, 1944 and 1945, grown on his farm in Webster County, Kentucky, on the north side thereof and south of Dixon and Slaughters State Highway, and approximately

four miles east of Dixton, Kentucky, which land lies upon the waters of the Winstead Public Ditch, and which farm contains approximately 180 acres.

Said damage was caused by an overflow of said Winstead Public Ditch, which ditch passes under a bridge being maintained by the Highway Department of Kentucky at said ditch which flows from south to north and flows along the line of the said H. L. Wilkerson northwardly. The said overflow was due to the fact that the opening is not sufficient to permit the passage of the ordinary rainfalls in that vicinity, which results in damages to the crops of the said H. L. Wilkerson.

Said suit shall be for a sum not in excess of $1800.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the Jury as an admission of negligence or wrongful act upon the part of the Commonwealth; and this Resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the Jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Harold L. Barnes	W. G. Biggers
Henry Arrowood	F. H. Bassett, Jr.	Jack Bingham
F. O. Baker	Ott Begley	B. J. Bonn

J. C. Bradley
B. K. Brantley
Mrs. Mary Burnett
Chas. W. Burnley
W. K. Coleman
Fred Creasey
S. J. Daugherty
E. R. Denny
Adron Doran
Forest C. Easley
Bernie S. Edlin
Eck Embry
R. R. Ernst
Henry J. Giles
Tom Gilliam
M. B. Gilligan
Otto W. Goff
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Maurice Howard
Jerry F. Howell
J. J. Huff
Ira W. Hulette
Kerby Jennings
Paul Jonas
L. H. Jones
B. F. Kincaid
G. O. Kirkpatrick
Edgar Kitchen
Homer E. Losey
A. L. Love
H. K. Lowman
E. J. Lucas
Ed Marcum
F. G. Marquette
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. L. Moore
J. Lee Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
Thos. A. Noe
Joe E. Nunn
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
L. S. Stephens
Ralph G. Stone
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
Harry F. Walters
Lyle H. Webb
W. W. Webster
Morris Weintraub
Lawrence Wells
Rodney Whitlow
John Wilborn
—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 100. Resolution authorizing R. G. Hanner to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That R. G. Hanner is authorized to sue the Commonwealth of Kentucky in the Webster Circuit Court for damages resulting from damages to his crops during the years 1941, 1942, 1943, 1944 and 1945, grown on his farm in Webster County, Kentucky on the west side thereof and east of U. S. Highway 41, and being approximately four miles east of Providence, Kentucky, which land lies upon the waters of Bull Creek, a portion of which has been reconstructed into what is known as the I. N. Baker ditch, and which farm contains approximately 160 acres.

Said damage was caused by an overflow of Bull Creek or the I. N. Baker Public Ditch, which creek or ditch passes under a bridge erected and constructed and being maintained by the Highway Department of Kentucky at U. S. Highway 41, which ditch flows from east to west and flows across the said farm of R. G. Hanner westwardly. That the said overflow was due to the fact that the opening is not sufficient to permit passage of the ordinary rainfalls in that vicinity, which results in damages to the crops of the said R. G. Hanner.

Said suit shall be for a sum not in excess of $2600.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the Jury as an admission of negligence or wrongful act upon the part of the Commonwealth; and this Resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the Jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Maurice Howard	Louis T. Peniston
Henry Arrowood	Jerry F. Howell	Sylvester Phillips
F. O. Baker	J. J. Huff	L. W. Preston
Harold L. Barnes	Ira W. Hulette	E. F. Prichard
F. H. Bassett, Jr.	Kerby Jennings	Hobart Rayburn
Ott Begley	Paul Jonas	Wade H. Riley
W. G. Biggers	L. H. Jones	Kelse H. Risner
Jack Bingham	B. F. Kincaid	Amos Runyan
B. J. Bonn	G. O. Kirkpatrick	J. W. Simmons
J. C. Bradley	Edgar Kitchen	Luther Slusher
B. K. Brantley	Homer E. Losey	Forrest Smith
Mrs. Mary Burnett	A. L. Love	W. R. Smith
Chas. W. Burnley	H. K. Lowman	E. A. Spencer
W. K. Coleman	E. J. Lucas	Paul J. Stapleton
Fred Creasey	Ed Marcum	Geo. W. Steinford
S. J. Daugherty	F. G. Marquette	L. S. Stephens
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	E. L. Thompson
Forest C. Easley	Jack McPherron	Ray G. Tipton
Bernie S. Edlin	Harry L. Moore	E. N. Todd
Eck Embry	J. L. Moore	Walter L. Trivette
R. R. Ernst	J. Lee Moore	Harry F. Walters
Henry J. Giles	Fred Morgan	Lyle H. Webb
Tom Gilliam	Joe T. Morgan	W. W. Webster
M. B. Gilligan	E. C. Mullins	Morris Weintraub
Otto W. Goff	Rodes K. Myers	Lawrence Wells
Harold G. Helm	Thos. A. Noe	Rodney Whitlow
E. R. Hilton	Joe E. Nunn	John Wilborn
Clyde S. Howard		—85

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 101. Resolution authorizing the personal representative of estate of John R. Gray to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of the estate of John Robert Gray is authorized to sue the Commonwealth of Kentucky in the Fayette Circuit Court for damages resulting from the death of John Robert Gray, caused by alleged negligence on the part of the employees or members of the Kentucky Active Militia of the Commonwealth of Kentucky while said employees or members were in the line of duty as employees or members of the Kentucky Active Militia of this Commonwealth.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Maurice Howard	Louis T. Peniston
Henry Arrowood	Jerry F. Howell	Sylvester Phillips
F. O. Baker	J. J. Huff	L. W. Preston
Harold L. Barnes	Ira W. Hulette	E. F. Prichard
F. H. Bassett, Jr.	Kerby Jennings	Hobart Rayburn
Ott Begley	Paul Jonas	Wade H. Riley
W. G. Biggers	L. H. Jones	Kelse H. Risner
Jack Bingham	B. F. Kincaid	Amos Runyan
B. J. Bonn	G. O. Kirkpatrick	J. W. Simmons
J. C. Bradley	Edgar Kitchen	Luther Slusher
B. K. Brantley	Homer E. Losey	Forrest Smith
Mrs. Mary Burnett	A. L. Love	W. R. Smith
Chas. W. Burnley	H. K. Lowman	E. A. Spencer
W. K. Coleman	E. J. Lucas	Paul J. Stapleton
Fred Creasey	Ed Marcum	Geo. W. Steinford
S. J. Daugherty	F. G. Marquette	L. S. Stephens
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	E. L. Thompson
Forest C. Easley	Jack McPherron	Ray G. Tipton
Bernie S. Edlin	Harry L. Moore	E. N. Todd
Eck Embry	J. L. Moore	Walter L. Trivette
R. R. Ernst	J. Lee Moore	Harry F. Walters
Henry J. Giles	Fred Morgan	Lyle H. Webb
Tom Gilliam	Joe T. Morgan	W. W. Webster
M. B. Gilligan	E. C. Mullins	Morris Weintraub
Otto W. Goff	Rodes K. Myers	Lawrence Wells
Harold G. Helm	Thos. A. Noe	Rodney Whitlow
E. R. Hilton	Joe E. Nunn	John Wilborn
Clyde S. Howard		

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 106. Resolution authorizing Robert Ballinger to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Robert Ballinger be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky in the Madison Circuit Court, Madison County, Kentucky, for damages caused by alleged negligence on the part of an employe of the Commonwealth of Kentucky and while he was in the line of duty as an employe of this Commonwealth.

Said suit shall be for a sum not in excess of two thousand five hundred dollars.

No plea of limitation shall be interposed.

The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth and settle said claim before suit is filed, if he deems advisable. Any amount recovered in said suit, either by settlement with the Attorney General or a judgment rendered, shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered either by the Court or jury as an admission of negligence upon the part of the Commonwealth, or of any of its agencies or employees and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Maurice Howard	Louis T. Peniston
Henry Arrowood	Jerry F. Howell	Sylvester Phillips
F. O. Baker	J. J. Huff	L. W. Preston
Harold L. Barnes	Ira W. Hulette	E. F. Prichard
F. H. Bassett, Jr.	Kerby Jennings	Hobart Rayburn
Ott Begley	Paul Jonas	Wade H. Riley
W. G. Biggers	L. H. Jones	Kelse H. Risner
Jack Bingham	B. F. Kincaid	Amos Runyan
B. J. Bonn	G. O. Kirkpatrick	J. W. Simmons
J. C. Bradley	Edgar Kitchen	Luther Slusher
B. K. Brantley	Homer E. Losey	Forrest Smith
Mrs. Mary Burnett	A. L. Love	W. R. Smith
Chas. W. Burnley	H. K. Lowman	E. A. Spencer
W. K. Coleman	E. J. Lucas	Paul J. Stapleton
Fred Creasey	Ed Marcum	Geo. W. Steinford
S. J. Daugherty	F. G. Marquette	L. S. Stephens
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	E. L. Thompson
Forest C. Easley	Jack McPherron	Ray G. Tipton
Bernie S. Edlin	Harry L. Moore	E. N. Todd
Eck Embry	J. L. Moore	Walter L. Trivette
R. R. Ernst	J. Lee Moore	Harry F. Walters
Henry J. Giles	Fred Morgan	Lyle H. Webb
Tom Gilliam	Joe T. Morgan	W. W. Webster
M. B. Gilligan	E. C. Mullins	Morris Weintraub
Otto W. Goff	Rodes K. Myers	Lawrence Wells
Harold G. Helm	Thos. A. Noe	Rodney Whitlow
E. R. Hilton	Joe E. Nunn	John Wilborn
Clyde S. Howard		

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 10. Resolution authorizing the personal representative of Les Ward, deceased, to sue the Commonwealth.

Said resolution is as follows, viz.:

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of Les Ward be and hereby is authorized and permitted to sue the Commonwealth of Kentucky in the Rowan Circuit Court for such damages as may have been suffered and sustained by said estate by reason of the injury and death of Les Ward, and upon the trial of said cause, if it should be proven that Les Ward met his death while endeavoring to arrest a fugitive or a law violator, then the moral obligation of the Commonwealth of Kentucky to indemnify his estate is hereby expressly recognized, acknowledged and validated, and the jury shall award such damages as said estate has suffered by reason of such death, occasioned by the rendition of a public service. The Attorney General is hereby authorized to compromise or settle this claim and any settlement that may be so effected or any judgment that may be recovered by the said personal representative shall be paid by the Department of Finance by a warrant drawn on the State Treasury and paid out of the General Fund. Either party to said suit may appeal from any judgment which may be entered therein as in any other civil case.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Maurice Howard	Louis T. Peniston
Henry Arrowood	Jerry F. Howell	Sylvester Phillips
F. O. Baker	J. J. Huff	L. W. Preston
Harold L. Barnes	Ira W. Hulette	E. F. Prichard
F. H. Bassett, Jr.	Kerby Jennings	Hobart Rayburn
Ott Begley	Paul Jonas	Wade H. Riley
W. G. Biggers	L. H. Jones	Kelse H. Risner
Jack Bingham	B. F. Kincaid	Amos Runyan
B. J. Bonn	G. O. Kirkpatrick	J. W. Simmons
J. C. Bradley	Edgar Kitchen	Luther Slusher
B. K. Brantley	Homer E. Losey	Forrest Smith
Mrs. Mary Burnett	A. L. Love	W. R. Smith
Chas. W. Burnley	H. K. Lowman	E. A. Spencer
W. K. Coleman	E. J. Lucas	Paul J. Stapleton
Fred Creasey	Ed Marcum	Geo. W. Steinford
S. J. Daugherty	F. G. Marquette	L. S. Stephens
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	E. L. Thompson
Forest C. Easley	Jack McPherron	Ray G. Tipton
Bernie S. Edlin	Harry L. Moore	E. N. Todd
Eck Embry	J. L. Moore	Walter L. Trivette
R. R. Ernst	J. Lee Moore	Harry F. Walters
Henry J. Giles	Fred Morgan	Lyle H. Webb
Tom Gilliam	Joe T. Morgan	W. W. Webster
M. B. Gilligan	E. C. Mullins	Morris Weintraub
Otto W. Goff	Rodes K. Myers	Lawrence Wells
Harold G. Helm	Thos. A. Noe	Rodney Whitlow
E. R. Hilton	Joe E. Nunn	John Wilborn
Clyde S. Howard		

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 14. Resolution authorizing Jerry Hall to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Jerry Hall be and he is authorized to sue the Commonwealth of Kentucky in the Floyd Circuit Court for damages resulting from personal injuries and injuries to his truck, caused by alleged negligence on the part of the employees of the Commonwealth of Kentucky while said employees were in line of duty as agents of the Commonwealth. Said suit shall be for a sum not in excess of Ten Thousand ($10,000.00) Dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Maurice Howard	Louis T. Peniston
Henry Arrowood	Jerry F. Howell	Sylvester Phillips
F. O. Baker	J. J. Huff	L. W. Preston
Harold L. Barnes	Ira W. Hulette	E. F. Prichard
F. H. Bassett, Jr.	Kerby Jennings	Hobart Rayburn
Ott Begley	Paul Jonas	Wade H. Riley
W. G. Biggers	L. H. Jones	Kelse H. Risner
Jack Bingham	B. F. Kincaid	Amos Runyan
B. J. Bonn	G. O. Kirkpatrick	J. W. Simmons
J. C. Bradley	Edgar Kitchen	Luther Slusher
B. K. Brantley	Homer E. Losey	Forrest Smith
Mrs. Mary Burnett	A. L. Love	W. R. Smith
Chas. W. Burnley	H. K. Lowman	E. A. Spencer
W. K. Coleman	E. J. Lucas	Paul J. Stapleton
Fred Creasey	Ed Marcum	Geo. W. Steinford
S. J. Daugherty	F. G. Marquette	L. S. Stephens
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	E. L. Thompson
Forest C. Easley	Jack McPherron	Ray G. Tipton
Bernie S. Edlin	Harry L. Moore	E. N. Todd
Eck Embry	J. L. Moore	Walter L. Trivette
R. R. Ernst	J. Lee Moore	Harry F. Walters
Henry J. Giles	Fred Morgan	Lyle H. Webb
Tom Gilliam	Joe T. Morgan	W. W. Webster
M. B. Gilligan	E. C. Mullins	Morris Weintraub
Otto W. Goff	Rodes K. Myers	Lawrence Wells
Harold G. Helm	Thos. A. Noe	Rodney Whitlow
E. R. Hilton	Joe E. Nunn	John Wilborn
Clyde S. Howard		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 16. Resolution authorizing J. H. Webb to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That J. H. Webb, of Pikeville, Ky., is authorized to sue the Commonwealth of Kentucky, in the Pike Circuit Court, for damages resulting from personal injuries and medical expenses, caused by alleged negligence on the part of employees of the Commonwealth of Kentucky, while said employees were in the line of duty as agents of the Commonwealth. Said suit shall be for a sum not in excess of ten thousand dollars.

The Attorney General of the Commonwealth of Kentucky, may investigate the claim herein and settle same before or after suit is filed, if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant and 381.680 shall be complied with except that when the pumping station site and pipe line are located on cliff land and do not cross any tillable land the pumps and pipe may be located above ground.

The procedure for condemnation shall be that set forth in KRS 416.010 to 416.080.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	F. H. Bassett, Jr.	B. J. Bonn
Henry Arrowood	Ott Begley	J. C. Bradley
F. O. Baker	W. G. Biggers	B. K. Brantley
Harold L. Barnes	Jack Bingham	Mrs. Mary Burnett

Chas. W. Burnley	G. O. Kirkpatrick	Hobart Rayburn
W. K. Coleman	Edgar Kitchen	Wade H. Riley
Fred Creasey	Homer E. Losey	Kelse H. Risner
S. J. Daugherty	A. L. Love	Amos Runyan
E. R. Denny	H. K. Lowman	J. W. Simmons
Adron Doran	E. J. Lucas	Luther Slusher
Forest C. Easley	Ed Marcum	Forrest Smith
Bernie S. Edlin	F. G. Marquette	W. R. Smith
Eck Embry	E. H. Martin	E. A. Spencer
R. R. Ernst	W. E. McClure	Paul J. Stapleton
Henry J. Giles	Jack McPherron	Geo. W. Steinford
Tom Gilliam	Harry L. Moore	L. S. Stephens
M. B. Gilligan	J. L. Moore	Ralph G. Stone
Otto W. Goff	J. Lee Moore	E. L. Thompson
Harold G. Helm	Fred Morgan	Ray G. Tipton
E. R. Hilton	Joe T. Morgan	E. N. Todd
Clyde S. Howard	E. C. Mullins	Walter L. Trivette
Maurice Howard	Rodes K. Myers	Harry F. Walters
Jerry F. Howell	Thos. A. Noe	Lyle H. Webb
J. J. Huff	Joe E. Nunn	W. W. Webster
Ira W. Hulette	Louis T. Peniston	Morris Weintraub
Kerby Jennings	Sylvester Phillips	Lawrence Wells
Paul Jonas	L. W. Preston	Rodney Whitlow
L. H. Jones	E. F. Prichard	John Wilborn
B. F. Kincaid		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 17. Resolution authorizing Wendell Webb to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Wendell Webb, of Pikeville, Ky., is authorized to sue the Commonwealth of Kentucky, in the Pike Circuit Court, for damages resulting from personal injuries, medical expenses and injuries to his car, caused by alleged negligence on the part of employees of the Commonwealth of Kentucky, while said employees were in the line of duty as agents of the Commonwealth. Said suit shall be for a sum not in excess of ten thousand dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed, if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	F. H. Bassett, Jr.	B. J. Bonn
Henry Arrowood	Ott Begley	J. C. Bradley
F. O. Baker	W. G. Biggers	B. K. Brantley
Harold L. Barnes	Jack Bingham	Mrs. Mary Burnett

Chas. W. Burnley	G. O. Kirkpatrick	Hobart Rayburn
W. K. Coleman	Edgar Kitchen	Wade H. Riley
Fred Creasey	Homer E. Losey	Kelse H. Risner
S. J. Daugherty	A. L. Love	Amos Runyan
E. R. Denny	H. K. Lowman	J. W. Simmons
Adron Doran	E. J. Lucas	Luther Slusher
Forest C. Easley	Ed Marcum	Forrest Smith
Bernie S. Edlin	F. G. Marquette	W. R. Smith
Eck Embry	E. H. Martin	E. A. Spencer
R. R. Ernst	W. E. McClure	Paul J. Stapleton
Henry J. Giles	Jack McPherron	Geo. W. Steinford
Tom Gilliam	Harry L. Moore	L. S. Stephens
M. B. Gilligan	J. L. Moore	Ralph G. Stone
Otto W. Goff	J. Lee Moore	E. L. Thompson
Harold G. Helm	Fred Morgan	Ray G. Tipton
E. R. Hilton	Joe T. Morgan	E. N. Todd
Clyde S. Howard	E. C. Mullins	Walter L. Trivette
Maurice Howard	Rodes K. Myers	Harry F. Walters
Jerry F. Howell	Thos. A. Noe	Lyle H. Webb
J. J. Huff	Joe E. Nunn	W. W. Webster
Ira W. Hulette	Louis T. Peniston	Morris Weintraub
Kerby Jennings	Sylvester Phillips	Lawrence Wells
Paul Jonas	L. W. Preston	Rodney Whitlow
L. H. Jones	E. F. Prichard	John Wilborn
B. F. Kincaid		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 21. Resolution authorizing Bud Burkhart to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Bud Burkhart is authorized to bring suit in the Harlan Circuit Court against the Commonwealth of Kentucky and/or the State Highway Commission for such damages as he may have sustained, not to exceed the sum of twelve hundred and fifty ($1250.00) dollars, by reason of the negligent maintenance of said highway by the State Highway Commission, and in the event any judgment is recovered by the said Bud Burkhart in said suit, the same shall be paid by the Treasurer of the Commonwealth of Kentucky out of the Highway Fund on warrant from the Commissioner of Finance. The said Bud Burkhart, and the said Commission and/or the Commonwealth of Kentucky, shall have the right to appeal, and the said case shall be tried in the manner and form provided by the Statutes and Code of the Commonwealth of Kentucky.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Chas. W. Burnley	M. B. Gilligan
Henry Arrowood	W. K. Coleman	Otto W. Goff
F. O. Baker	Fred Creasey	Harold G. Helm
Harold L. Barnes	S. J. Daugherty	E. R. Hilton
F. H. Bassett, Jr.	E. R. Denny	Clyde S. Howard
Ott Begley	Adron Doran	Maurice Howard
W. G. Biggers	Forest C. Easley	Jerry F. Howell
Jack Bingham	Bernie S. Edlin	J. J. Huff
B. J. Bonn	Eck Embry	Ira W. Hulette
J. C. Bradley	R. R. Ernst	Kerby Jennings
B. K. Brantley	Henry J. Giles	Paul Jonas
Mrs. Mary Burnett	Tom Gilliam	L. H. Jones

B. F. Kincaid	E. C. Mullins	E. A. Spencer
G. O. Kirkpatrick	Rodes K. Myers	Paul J. Stapleton
Edgar Kitchen	Thos. A. Noe	Geo. W. Steinford
Homer E. Losey	Joe E. Nunn	L. S. Stephens
A. L. Love	Louis T. Peniston	Ralph G. Stone
H. K. Lowman	Sylvester Phillips	E. L. Thompson
E. J. Lucas	L. W. Preston	Ray G. Tipton
Ed Marcum	E. F. Prichard	E. N. Todd
F. G. Marquette	Hobart Rayburn	Walter L. Trivette
E. H. Martin	Wade H. Riley	Harry F. Walters
W. E. McClure	Kelse H. Risner	Lyle H. Webb
Jack McPherron	Amos Runyan	W. W. Webster
Harry L. Moore	J. W. Simmons	Morris Weintraub
J. L. Moore	Luther Slusher	Lawrence Wells
J. Lee Moore	Forrest Smith	Rodney Whitlow
Fred Morgan	W. R. Smith	John Wilborn
Joe T. Morgan		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 22. Resolution authorizing the Renfro Supply Company to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Renfro Supply Company of Williamsburg, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Whitley County Circuit Court for the recovery of such sums as it may have paid, directly or indirectly, as Kentucky excise tax on gasoline exported from Kentucky and therefore

not properly subject to such tax. Said suit shall be for a sum not in excess of $874.40.

The Attorney General may investigate the claim and may settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

The General Assembly hereby expressly recognizes the moral responsibility of the Commonwealth for the refund of tax on gasoline paid by the said Renfro Supply Company, to the extent of $874.40.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Fred Creasey	Clyde S. Howard
Henry Arrowood	S. J. Daugherty	Maurice Howard
F. O. Baker	E. R. Denny	Jerry F. Howell
Harold L. Barnes	Adron Doran	J. J. Huff
F. H. Bassett, Jr.	Forest C. Easley	Ira W. Hulette
Ott Begley	Bernie S. Edlin	Kerby Jennings
W. G. Biggers	Eck Embry	Paul Jonas
Jack Bingham	R. R. Ernst	L. H. Jones
B. J. Bonn	Henry J. Giles	B. F. Kincaid
J. C. Bradley	Tom Gilliam	G. O. Kirkpatrick
B. K. Brantley	M. B. Gilligan	Edgar Kitchen
Mrs. Mary Burnett	Otto W. Goff	Homer E. Losey
Chas. W. Burnley	Harold G. Helm	A. L. Love
W. K. Coleman	E. R. Hilton	H. K. Lowman

E. J. Lucas	Louis T. Peniston	L. S. Stephens
Ed Marcum	Sylvester Phillips	Ralph G. Stone
F. G. Marquette	L. W. Preston	E. L. Thompson
E. H. Martin	E. F. Prichard	Ray G. Tipton
W. E. McClure	Hobart Rayburn	E. N. Todd
Jack McPherron	Wade H. Riley	Walter L. Trivette
Harry L. Moore	Kelse H. Risner	Harry F. Walters
J. L. Moore	Amos Runyan	Lyle H. Webb
J. Lee Moore	J. W. Simmons	W. W. Webster
Fred Morgan	Luther Slusher	Morris Weintraub
Joe T. Morgan	Forrest Smith	Lawrence Wells
E. C. Mullins	W. R. Smith	Rodney Whitlow
Rodes K. Myers	E. A. Spencer	John Wilborn
Thos. A. Noe	Paul J. Stapleton	
Joe E. Nunn	Geo. W. Steinford	—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 23. Resolution authorizing Clifford C. Alexander to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Clifford C. Alexander of McCracken County, Kentucky, is hereby authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky in the McCracken Circuit Court for damages resulting from property damage and personal injuries caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky and the Department of Highways of Kentucky

while said employee was engaged in the line of duty as an employee of this Commonwealth and its Department of Highways in the operation of a motor vehicle of the Commonwealth of Kentucky and the Department of Highways.

Said suit shall not be for a sum in excess of $5,000.00.

No plea of limitation shall be interposed if said suit is commenced within one year from the effective date of this resolution.

The Attorney General of the Commonwealth of Kentucky may investigate said claim against the Commonwealth and the Department of Highways, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or a jury as an admission of negligence upon the part of the Commonwealth or its Department of Highways and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Ott Begley	B. K. Brantley
Henry Arrowood	W. G. Biggers	Mrs. Mary Burnett
F. O. Baker	Jack Bingham	Chas. W. Burnley
Harold L. Barnes	B. J. Bonn	W. K. Coleman
F. H. Bassett, Jr.	J. C. Bradley	Fred Creasey

S. J. Daugherty	Homer E. Losey	Wade H. Riley
E. R. Denny	A. L. Love	Kelse H. Risner
Adron Doran	H. K. Lowman	Amos Runyan
Forest C. Easley	E. J. Lucas	J. W. Simmons
Bernie S. Edlin	Ed Marcum	Luther Slusher
Eck Embry	F. G. Marquette	Forrest Smith
R. R. Ernst	E. H. Martin	W. R. Smith
Henry J. Giles	W. E. McClure	E. A. Spencer
Tom Gilliam	Jack McPherron	Paul J. Stapleton
M. B. Gilligan	Harry L. Moore	Geo. W. Steinford
Otto W. Goff	J. L. Moore	L. S. Stephens
Harold G. Helm	J. Lee Moore	Ralph G. Stone
E. R. Hilton	Fred Morgan	E. L. Thompson
Clyde S. Howard	Joe T. Morgan	Ray G. Tipton
Maurice Howard	E. C. Mullins	E. N. Todd
Jerry F. Howell	Rodes K. Myers	Walter L. Trivette
J. J. Huff	Thos. A. Noe	Harry F. Walters
Ira W. Hulette	Joe E. Nunn	Lyle H. Webb
Kerby Jennings	Louis T. Peniston	W. W. Webster
Paul Jonas	Sylvester Phillips	Morris Weintraub
L. H. Jones	L. W. Preston	Lawrence Wells
B. F. Kincaid	E. F. Prichard	Rodney Whitlow
G. O. Kirkpatrick	Hobart Rayburn	John Wilborn
Edgar Kitchen		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 24. Resolution authorizing J. T. Eads to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That J. T. Eads be and he is authorized to sue the Commonwealth of Kentucky in the Montgomery Circuit Court for damages resulting from injuries to his automobile, caused by alleged negligence on the part of the employee of the Commonwealth of Kentucky while said employee was in the line of duty as agent of the Commonwealth. Said suit shall be for a sum not in excess of Four Hundred Fifty Dollars ($450.00).

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	E. R. Denny	Ira W. Hulette
Henry Arrowood	Adron Doran	Kerby Jennings
F. O. Baker	Forest C. Easley	Paul Jonas
Harold L. Barnes	Bernie S. Edlin	L. H. Jones
F. H. Bassett, Jr.	Eck Embry	B. F. Kincaid
Ott Begley	R. R. Ernst	G. O. Kirkpatrick
W. G. Biggers	Henry J. Giles	Edgar Kitchen
Jack Bingham	Tom Gilliam	Homer E. Losey
B. J. Bonn	M. B. Gilligan	A. L. Love
J. C. Bradley	Otto W. Goff	H. K. Lowman
B. K. Brantley	Harold G. Helm	E. J. Lucas
Mrs. Mary Burnett	E. R. Hilton	Ed Marcum
Chas. W. Burnley	Clyde S. Howard	F. G. Marquette
W. K. Coleman	Maurice Howard	E. H. Martin
Fred Creasey	Jerry F. Howell	W. E. McClure
S. J. Daugherty	J. J. Huff	Jack McPherron

Harry L. Moore	Hobart Rayburn	E. L. Thompson
J. L. Moore	Wade H. Riley	Ray G. Tipton
J. Lee Moore	Kelse H. Risner	E. N. Todd
Fred Morgan	Amos Runyan	Walter L. Trivette
Joe T. Morgan	J. W. Simmons	Harry F. Walters
E. C. Mullins	Luther Slusher	Lyle H. Webb
Rodes K. Myers	Forrest Smith	W. W. Webster
Thos. A. Noe	W. R. Smith	Geo. J. Weining
Joe E. Nunn	E. A. Spencer	Morris Weintraub
Louis T. Peniston	Paul J. Stapleton	Lawrence Wells
Sylvester Phillips	Geo. W. Steinford	Rodney Whitlow
L. W. Preston	L. S. Stephens	John Wilborn
E. F. Prichard	Ralph G. Stone	—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 25. Resolution authorizing Mrs. Laura Whittaker and Charlie Duff to sue the Commonwealth.

Said resolution is as follows:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Mrs. Laura Whittaker and Charlie Duff are authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky in the Perry Circuit Court for damages resulting from injury caused to lands owned by them and located in Perry County, Kentucky, caused by negligence and wrongful acts upon the part of the Commonwealth of Kentucky and the Department of Highways of Kentucky, while their employes were building, constructing and maintaining a State Highway extending from Chavies, Perry County, up Grapevine Creek in said county.

Said suit or suits shall not be for a sum in excess of $500.00 on the part of Mrs. Laura Whittaker nor for a sum in excess of $500.00 upon the part of Charlie Duff.

The Attorney General of the Commonwealth of Kentucky may investigate said claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or a jury as an admission of negligence or wrong doing upon the part of the Commonwealth or its Department of Highways, and this resolution shall not be introduced as evidence nor commented upon by council in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	B. K. Brantley	Eck Embry
Henry Arrowood	Mrs. Mary Burnett	R. R. Ernst
F. O. Baker	Chas. W. Burnley	Henry J. Giles
Harold L. Barnes	W. K. Coleman	Tom Gilliam
F. H. Bassett, Jr.	Fred Creasey	M. B. Gilligan
Ott Begley	S. J. Daugherty	Otto W. Goff
W. G. Biggers	E. R. Denny	Harold G. Helm
Jack Bingham	Adron Doran	E. R. Hilton
B. J. Bonn	Forest C. Easley	Clyde S. Howard
J. C. Bradley	Bernie S. Edlin	Maurice Howard

Jerry F. Howell	J. L. Moore	Forrest Smith
J. J. Huff	J. Lee Moore	W. R. Smith
Ira W. Hulette	Fred Morgan	E. A. Spencer
Kerby Jennings	Joe T. Morgan	Paul J. Stapleton
Paul Jonas	E. C. Mullins	Geo. W. Steinford
L. H. Jones	Rodes K. Myers	L. S. Stephens
B. F. Kincaid	Thos. A. Noe	Ralph G. Stone
G. O. Kirkpatrick	Joe E. Nunn	E. L. Thompson
Edgar Kitchen	Louis T. Peniston	Ray G. Tipton
Homer E. Losey	Sylvester Phillips	E. N. Todd
A. L. Love	L. W. Preston	Walter L. Trivette
H. K. Lowman	E. F. Prichard	Harry F. Walters
E. J. Lucas	Hobart Rayburn	Lyle H. Webb
Ed Marcum	Wade H. Riley	W. W. Webster
F. G. Marquette	Kelse H. Risner	Morris Weintraub
E. H. Martin	Amos Runyan	Lawrence Wells
W. E. McClure	J. W. Simmons	Rodney Whitlow
Jack McPherron	Luther Slusher	John Wilborn
Harry L. Moore		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 28. Resolution authorizing H. R. Dysard to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That H. R. Dysard is authorized to sue the Commonwealth of Kentucky in Boyd Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky

while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $500.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or Jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Mrs. Mary Burnett	Henry J. Giles
Henry Arrowood	Chas. W. Burnley	Tom Gilliam
F. O. Baker	W. K. Coleman	M. B. Gilligan
Harold L. Barnes	Fred Creasey	Otto W. Goff
F. H. Bassett, Jr.	S. J. Daugherty	Harold G. Helm
Ott Begley	E. R. Denny	E. R. Hilton
W. G. Biggers	Adron Doran	Clyde S. Howard
Jack Bingham	Forest C. Easley	Maurice Howard
B. J. Bonn	Bernie S. Edlin	Jerry F. Howell
J. C. Bradley	Eck Embry	J. J. Huff
B. K. Brantley	R. R. Ernst	Ira W. Hulette

Kerby Jennings	Fred Morgan	W. R. Smith
Paul Jonas	Joe T. Morgan	E. A. Spencer
L. H. Jones	E. C. Mullins	Paul J. Stapleton
B. F. Kincaid	Rodes K. Myers	Geo. W. Steinford
G. O. Kirkpatrick	Thos. A. Noe	L. S. Stephens
Edgar Kitchen	Joe E. Nunn	Ralph G. Stone
Homer E. Losey	Louis T. Peniston	E. L. Thompson
A. L. Love	Sylvester Phillips	Ray G. Tipton
H. K. Lowman	L. W. Preston	E. N. Todd
E. J. Lucas	E. F. Prichard	Walter L. Trivette
Ed Marcum	Hobart Rayburn	Harry F. Walters
F. G. Marquette	Wade H. Riley	Lyle H. Webb
E. H. Martin	Kelse H. Risner	W. W. Webster
W. E. McClure	Amos Runyan	Morris Weintraub
Jack McPherron	J. W. Simmons	Lawrence Wells
Harry L. Moore	Luther Slusher	Rodney Whitlow
J. L. Moore	Forrest Smith	John Wilborn
J. Lee Moore		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 32. Resolution authorizing Oscar H. Forster to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Oscar H. Forster, of Campbell County, Kentucky, is authorized to sue the Commonwealth of Kentucky in Grant County Circuit Court for property damage caused by the alleged negligence on the part of employee of the Commonwealth of Kentucky while said employee was in the line of duty as employee of the Commonwealth of Kentucky.

Said suit shall be in a sum not to exceed two hundred and fifty ($250.00) dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, as he deems is advisable. Any amount recovered in said sum or by settlement with an order of the circuit court entered upon the order book, and a certified copy of the order, and any subsequent changes made therein, shall as soon as entered, be forwarded to the Department of Finance.

(3) In counties having a population of two hundred thousand or over, the circuit court, in general term, shall fix the salary of the chief deputy commissioner at not exceeding $4,800.000 per annum, and the salary of each other deputy commissioner at not exceeding $4,200.00 per annum.

(4) The salaries provided for by subsections (2) and (3) of this section shall be paid out of the fees of the office."

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Chas. W. Burnley	M. B. Gilligan
Henry Arrowood	W. K. Coleman	Otto W. Goff
F. O. Baker	Fred Creasey	Harold G. Helm
Harold L. Barnes	S. J. Daugherty	E. R. Hilton
F. H. Bassett, Jr.	E. R. Denny	Clyde S. Howard
Ott Begley	Adron Doran	Maurice Howard
W. G. Biggers	Forest C. Easley	Jerry F. Howell
Jack Bingham	Bernie S. Edlin	J. J. Huff
B. J. Bonn	Eck Embry	Ira W. Hulette
J. C. Bradley	R. R. Ernst	Kerby Jennings
B. K. Brantley	Henry J. Giles	Paul Jonas
Mrs. Mary Burnett	Tom Gilliam	L. H. Jones

B. F. Kincaid	E. C. Mullins	E. A. Spencer
G. O. Kirkpatrick	Rodes K. Myers	Paul J. Stapleton
Edgar Kitchen	Thos. A. Noe	Geo. W. Steinford
Homer E. Losey	Joe E. Nunn	L. S. Stephens
A. L. Love	Louis T. Peniston	Ralph G. Stone
H. K. Lowman	Sylvester Phillips	E. L. Thompson
E. J. Lucas	L. W. Preston	Ray G. Tipton
Ed Marcum	E. F. Prichard	E. N. Todd
F. G. Marquette	Hobart Rayburn	Walter L. Trivette
E. H. Martin	Wade H. Riley	Harry F. Walters
W. E. McClure	Kelse H. Risner	Lyle H. Webb
Jack McPherron	Amos Runyan	W. W. Webster
Harry L. Moore	J. W. Simmons	Morris Weintraub
J. L. Moore	Luther Slusher	Lawrence Wells
J. Lee Moore	Forrest Smith	Rodney Whitlow
Fred Morgan	W. R. Smith	John Wilborn
Joe T. Morgan		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 34. Resolution authorizing Gayle Everman to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT Gayle Everman is authorized to sue the Commonwealth of Kentucky in Boyd Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $136.50.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or Jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	W. K. Coleman	Harold G. Helm
Henry Arrowood	Fred Creasey	E. R. Hilton
F. O. Baker	S. J. Daugherty	Clyde S. Howard
Harold L. Barnes	E. R. Denny	Maurice Howard
F. H. Bassett, Jr.	Adron Doran	Jerry F. Howell
Ott Begley	Forest C. Easley	J. J. Huff
W. G. Biggers	Bernie S. Edlin	Ira W. Hulette
Jack Bingham	Eck Embry	Kerby Jennings
B. J. Bonn	R. R. Ernst	Paul Jonas
J. C. Bradley	Henry J. Giles	L. H. Jones
B. K. Brantley	Tom Gilliam	B. F. Kincaid
Mrs. Mary Burnett	M. B. Gilligan	G. O. Kirkpatrick
Chas. W. Burnley	Otto W. Goff	Edgar Kitchen

Homer E. Losey	Thos. A. Noe	Paul J. Stapleton
A. L. Love	Joe E. Nunn	Geo. W. Steinford
H. K. Lowman	Louis T. Peniston	L. S. Stephens
E. J. Lucas	Sylvester Phillips	Ralph G. Stone
Ed Marcum	L. W. Preston	E. L. Thompson
F. G. Marquette	E. F. Prichard	Ray G. Tipton
E. H. Martin	Hobart Rayburn	E. N. Todd
W. E. McClure	Wade H. Riley	Walter L. Trivette
Jack McPherron	Kelse H. Risner	Harry F. Walters
Harry L. Moore	Amos Runyan	Lyle H. Webb
J. L. Moore	J. W. Simmons	W. W. Webster
J. Lee Moore	Luther Slusher	Morris Weintraub
Fred Morgan	Forrest Smith	Lawrence Wells
Joe T. Morgan	W. R. Smith	Rodney Whitlow
E. C. Mullins	E. A. Spencer	John Wilborn
Rodes K. Myers		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 38. Resolution appropriating from the General Fund the sums of $10.25 and $74.06 to pay claims for services to Charles C. Waggoner.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That there is hereby appropriated from the General Fund the sum of Ten Dollars and Twenty-Five Cents ($10.25) payable to Charles C. Waggoner for services rendered as Sheriff of Graves County in apprehending, arresting, and delivering B. Adams to the Graves Circuit Court from Dresden, Tennessee, upon a charge of obtaining money under false

pretense, a felony, the said B. Adams being at said time a fugitive from justice, the services rendered in connection herewith being under requisition of the Commonwealth.

2. That there is further appropriated from the General Fund the sum of Seventy-four Dollars and Six Cents ($74.06), payable to Charles C. Waggoner for his services rendered as sheriff of Graves County in apprehending, arresting, and delivering Leon (Bill) Higgs to the Graves Circuit Court from Chicago, Illinois, upon a charge of involuntary manslaughter, a felony, the said Higgs being at said time a fugitive from justice, the services rendered in connection herewith being under requisition of the Commonwealth.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Adron Doran	Paul Jonas
Henry Arrowood	Forest C. Easley	L. H. Jones
F. O. Baker	Bernie S. Edlin	B. F. Kincaid
Harold L. Barnes	Eck Embry	G. O. Kirkpatrick
F. H. Bassett, Jr.	R. R. Ernst	Edgar Kitchen
Ott Begley	Henry J. Giles	Homer E. Losey
W. G. Biggers	Tom Gilliam	A. L. Love
Jack Bingham	M. B. Gilligan	H. K. Lowman
B. J. Bonn	Otto W. Goff	E. J. Lucas
J. C. Bradley	Harold G. Helm	Ed Marcum
B. K. Brantley	E. R. Hilton	F. G. Marquette
Mrs. Mary Burnett	Clyde S. Howard	E. H. Martin
Chas. W. Burnley	Maurice Howard	W. E. McClure
W. K. Coleman	Jerry F. Howell	Jack McPherron
Fred Creasey	J. J. Huff	Harry L. Moore
S. J. Daugherty	Ira W. Hulette	J. L. Moore
E. R. Denny	Kerby Jennings	J. Lee Moore

Fred Morgan	Kelse H. Risner	E. L. Thompson
Joe T. Morgan	Amos Runyan	Ray G. Tipton
E. C. Mullins	J. W. Simmons	E. N. Todd
Rodes K. Myers	Luther Slusher	Walter L. Trivette
Thos. A. Noe	Forrest Smith	Harry F. Walters
Joe E. Nunn	W. R. Smith	Lyle H. Webb
Louis T. Peniston	E. A. Spencer	W. W. Webster
Sylvester Phillips	Paul J. Stapleton	Morris Weintraub
L. W. Preston	Geo. W. Steinford	Lawrence Wells
E. F. Prichard	L. S. Stephens	Rodney Whitlow
Hobart Rayburn	Ralph G. Stone	John Wilborn
Wade H. Riley		—85

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 46. Resolution authorizing the payment of witness claims allowed by the Menifee Court to C. D. Williams.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That C. D. Williams of Frenchburg, Kentucky, is now the owner of witness claims allowed in the Menifee Circuit Court at the March and June, 1942 terms, in the total amount of $75.80.

It appearing that said claim was not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by C. D. Williams of

Frenchburk and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claim, being $75.80, is hereby appropriated out of the General Fund for that purpose.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Otto W. Goff	J. Lee Moore
F. O. Baker	R. M. Hall	Fred Morgan
Harold L. Barnes	Harold G. Helm	Joe T. Morgan
F. H. Bassett, Jr.	E. R. Hilton	E. C. Mullins
Ott Begley	Clyde S. Howard	Rodes K. Myers
W. G. Biggers	Maurice Howard	Thos. A. Noe
Jack Bingham	Jerry F. Howell	Joe E. Nunn
B. J. Bonn	J. J. Huff	Louis T. Peniston
J. C. Bradley	Ira W. Hulette	Sylvester Phillips
B. K. Brantley	Kerby Jennings	L. W. Preston
John Y. Brown	Paul Jonas	E. F. Prichard
Mrs. Mary Burnett	L. H. Jones	Hobart Rayburn
Chas. W. Burnley	B. F. Kincaid	Wade H. Riley
W. K. Coleman	G. O. Kirkpatrick	Kelse H. Risner
L. A. Demumbrun	Edgar Kitchen	Amos Runyan
E. R. Denny	A. L. Love	J. W. Simmons
Adron Doran	H. K. Lowman	Luther Slusher
Forest C. Easley	E. J. Lucas	Forrest Smith
Bernie S. Edlin	Ed Marcum	W. R. Smith
Eck Embry	F. G. Marquette	E. A. Spencer
R. R. Ernst	E. H. Martin	Paul J. Stapleton
A. H. Eversole	W. E. McClure	L. S. Stephens
Henry J. Giles	Jack McPherron	Ralph G. Stone
Tom Gilliam	Harry L. Moore	E. L. Thompson
M. B. Gilligan	J. L. Moore	Ray G. Tipton

E. N. Todd	W. W. Webster	Lawrence Wells
Walter L. Trivette	Geo. J. Weining	Rodney Whitlow
Lyle H. Webb	Morris Weintraub	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the day, a bill entitled:

H. B. 388. An Act recognizing and establishing the boundary line between the counties of Barren, Hart and Edmonson.

Mr. J. Lee Moore moved the Previous Question.

Thereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary lines between the counties of Barren, Hart and Edmonson, as surveyed, plotted and marked for the boundary Commission created and appointed under Chapter 179 of the Acts of 1944, which line is set forth and marked upon the plat filed with the Clerk of the House of Representatives by the Commission, said plat being entitled "The BARREN-EDMONSON-HART COUNTY LINE Surveyed, Plotted and Marked in the Field for the STATE COUNTY BOUNDARY COMMISSION OF KENTUCKY Senate Res. 34, Chapt. 179, Acts of 1944 by Willard Rouse Jillson, Engineer, Reg. No. 856 Frankfort, Kentucky, Assisted

by T. Beale Smith, Engineer, Reg. No. 158, Chief of Party, June 5 to July 22, 1945," be and the same is hereby recognized and established as the true boundary line between said counties, with the following exceptions: The tracts of real estate which, according to the records of Hart County as of February 1, 1946, are owned by the following persons, to-wit:

(1) Audit Dennison
(2) W. D. Bratcher
(3) Reck Wood
(4) Mary Hensley
(5) Bernie Stinson
(6) Dora Stinson
(7) Martin Pierce
(8) Ethel Alvey
(9) Chastine Bratcher
(10) Robert and Ed. Gonterman
(11) Martin Cox
(12) Tolbert Bratcher
(13) Lizzie Pierce
(14) A. J. Bradley
(15) Bill Croghan
(16) Ben Croghan
(17) John Bradley
(18) Essie Waddle
(19) Bob Childress
(20) Condie Powell
(21) H. B. Thomas,

(The lands including Crystal Cave), a part of which lie wholly west of the surveyed line between Hart and Edmonson Counties, and part of which lie partly west of said line, shall be included in and constitute a part of Hart County, and the surveyed line shall be and the same hereby is modified to the extent necessary to indicate and establish that said tracts are included in and are a part of Hart County. The General Assembly hereby recognizes that said tracts have, from the time of the original patents, being recognized as being in Hart County, and it is the intention of the General Assembly to confirm and establish that fact.

§ 2. It is the express intention of the General Assembly that the boundary lines between Barren, Hart and Edmonson Counties as recognized and established by this Act shall hereafter be and constitute, and be recognized for all purposes, as the true boundary lines between said counties, the General Assembly having found it to be the fact that said lines have at all times in the past constituted the true boundary lines.

§ 3. The Clerk of the House of Representatives shall secure from the Boundary Commission appointed under the provisions of Chapter 179 of the Acts of 1944, four copies of

the survey and plat prepared and filed by said Commission, and shall affix to each of said copies a copy of this Act. The Clerk shall then cause one of the same to be recorded in the office of the Secretary of State, one in the office of the County Clerk of Barren County, one in the office of the County Clerk of Hart County, and one in the office of the County Clerk of Edmonson County.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	R. M. Hall	E. F. Prichard
F. O. Baker	E. R. Hilton	Wade H. Riley
Harold L. Barnes	Jerry F. Howell	Kelse H. Risner
F. H. Bassett, Jr.	Ira W. Hulette	Amos Runyan
W. G. Biggers	Paul Jonas	J. W. Simmons
B. J. Bonn	L. H. Jones	Luther Slusher
J. C. Bradley	B. F. Kincaid	Forrest Smith
John Y. Brown	G. O. Kirkpatrick	Geo. W. Steinford
Mrs. Mary Burnett	Edgar Kitchen	Ralph G. Stone
Chas. W. Burnley	H. K. Lowman	E. L. Thompson
W. K. Coleman	Ed Marcum	Walter L. Trivette
Fred Creasey	F. G. Marquette	S. J. Wagner
S. J. Daugherty	E. H. Martin	Harry F. Walters
Adron Doran	J. L. Moore	W. W. Webster
G. I. Drury	J. Lee Moore	Geo. J. Weining
Forest C. Easley	Fred Morgan	Morris Weintraub
R. R. Ernst	E. C. Mullins	Lawrence Wells
Henry J. Giles	Thos A. Noe	John Wilborn
Tom Gilliam	Louis T. Peniston	Mr. Speaker
M. B. Gilligan	L. W. Preston	

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Those who voted in the negative were—

Ott Begley	Eck Embry	J. J. Huff
Jack Bingham	A. H. Eversole	Homer E. Losey
L. A. Demumbrun	Maurice Howard	Harry L. Moore

Joe T. Morgan	Hobart Rayburn	L. S. Stephens
Sylvester Phillips	W. R. Smith	Ray G. Tipton

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Mr. J. Lee Moore moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 17. An Act relating to the collection of school taxes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.500 of the Kentucky Revised Statutes is amended to read as follows:

(1) School taxes shall be collected by the regular tax collectors for the tax levying authorities that make the school levies for the various school districts, at the same time and in the same manner as other local taxes are collected, except as provided in this section and in KRS 160.510. The bond of the regular tax collector shall be made to cover his duties as the tax collector of the school district or districts for which he collects taxes. The tax collector shall be entitled to a fee at the rate of three percent for the collection of school taxes, which fee may be charged only for collecting or receiving school taxes or school funds received from the local school levy. No allowance shall be made for the collection of school taxes to any collecting officer who continues to collect taxes after his term that would not be allowed him had he collected the taxes during his term.

(2) An independent school district may select a special tax collector to collect its school taxes. The special tax collector shall be required to execute bond in the same manner as provided in KRS 160.560 for the execution of a treasurer's bond, and the penal sum of the bond shall not be less than

the aggregate of the tax bills that come into the hands of the special tax collector.

(3) The clerk shall include all school taxes on the regular tax bills furnished the tax collector except in case an independent district has selected a special tax collector, in which case the school taxes shall be listed by the clerk on a separate bill. The clerk shall be allowed a fee not to exceed three cents for each separate school tax bill, to be paid by the independent district board of education.

Mr. Myers offered the following amendment to said bill, viz:

Section 160.500 of the Kentucky Revised Statutes is amended to read as follows:

(1) School taxes shall be collected by the regular tax collectors for the tax levying authorities that make the school levies for the various school districts, at the same time and in the same manner as other local taxes are collected, except as provided in this section and in KRS 160.510. The bond of the regular tax collector shall be made to cover his duties as the tax collector of the school district or districts for which he collects taxes. The tax collector shall be entitled to a fee at the rate of four per cent for the collecton of school taxes, which fee may be charged only for collecting or receiving school taxes or school funds received from the local school levy. No allowance shall be made for the collection of school taxes to any collecting officer who continues to collect taxes after his term that would not be allowed him had he collected the taxes during his term.

(2) An independent school district may select a special tax collector to collect its school taxes. The special tax collector shall be required to execute bond in the same in the same manner as provided in KRS 160.560 for the execution of a treasurer's bond, and the penal sum of the bond shall not be less than the aggregate of the tax bills that come into the hands of the special tax collector.

(3) The clerk shall include all school taxes on the regular tax bills furnished the tax collector except in case an independent district has selected a special tax collector, in which

case the school taxes shall be listed by the clerk on a separate bill. The clerk shall be allowed a fee not to exceed three cents for each separate school tax bill, to be paid by the independent district board of education.

(4) If any tax collector shall by reason of the fees collected under this Act, exceed the Constitutional limit on his salary, then such excess shall revert to the school fund of such independent school district.

Said amendment was agreed to.

Mr. J. Lee Moore moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Losey moved that consideration of said bill be postponed indefinitely.

Said motion was disagreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	J. C. Bradley	S. J. Daugherty
F. O. Baker	B. K. Brantley	E. R. Denny
Harold L. Barnes	Mrs. Mary Burnett	Adron Doran
F. H. Bassett, Jr.	Chas. W. Burnley	G. I. Drury
W. G. Biggers	Alex. H. Calvert	Forest C. Easley
Jack Bingham	W. K. Coleman	Bernie S. Edlin
B. J. Bonn	Fred Creasey	Eck Embry

R. R. Ernst	E. H. Martin	W. R. Smith
Tom Gilliam	Jack McPherron	E. A. Spencer
M. B. Gilligan	Harry L. Moore	Paul J. Stapleton
Otto W. Goff	J. Lee Moore	Geo. W. Steinford
R. M. Hall	Fred Morgan	L. S. Stephens
Maurice Howard	Joe T. Morgan	Ralph G. Stone
Jerry F. Howell	Rodes K. Myers	E. L. Thompson
Ira W. Hulette	Thos. A. Noe	Ray G. Tipton
Kerby Jennings	Joe E. Nunn	E. N. Todd
Paul Jonas	Louis T. Peniston	Harry F. Walters
L. H. Jones	Sylvester Phillips	Lyle H. Webb
B. F. Kincaid	L. W. Preston	W. W. Webster
Edgar Kitchen	E. F. Prichard	Geo. J. Weining
A. L. Love	Hobart Rayburn	Lawrence Wells
H. K. Lowman	Kelse H. Risner	Rodney Whitlow
E. J. Lucas	Amos Runyan	John Wilborn
Ed Marcum	J. W. Simmons	Mr. Speaker
F. G. Marquette	Luther Slusher	

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Those who voted in the negative were—

Roy W. Arnold	J. J. Huff	Wade H. Riley
E. R. Hilton	Homer E. Losey	Forrest Smith
Clyde S. Howard	E. C. Mullins	

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Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said bill was passed, as amended, be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills and a resolution which originated in that body, entitled:

S. B. 181. An Act relating to pawnbrokers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Any pawnbroker, as defined in KRS 226.010, may, in loaning money on deposit of personal property,

charge, contract for or receive interest at a rate not exceeding three and one-half percent per month on the unpaid principal balance of the loan, and may, in purchasing personal property on condition of selling the property back again at a stipulated price, fix such stipulated resale price at a sum not exceeding an amount equal to the price at which the property was purchased plus interest at the rate of three and one-half percent per month. No pawnbroker shall directly or indirectly charge, receive or contract for any interest or consideration greater than that allowed by this section.

Sec. 2. Every pawnbroker, upon receiving any payment of money from a borrower, shall give to such person a plain and complete receipt for such payment, specifying separately the amount applied to principal and the amount applied to interest. In a case where the pawnbroker has purchased personal property under an agreement to sell it back at a stipulated price, the pawnbroker shall, on receiving any payment of money from the person from whom the property was purchased, give such person a receipt stating the original purchase price, the stipulated resale price, and the amount received.

Sec. 3. Subsection (2) of Section 226.050 of the Kentucky Revised Statutes is amended to read as follows:

(2) A pawnbroker may sell any article pawned after the expiration of ninety days from the maturity of the loan, provided that, not less than ten days before making the sale, the pawnbroker shall have given notice to the person by whom the article was pawned, by mail addressed to the post office address of such person as shown on the pawnbroker's register, notifying such person that, unless he redeems the article within ten days from the date of mailing said notice, the article will be sold.

Sec. 4. Any pawnbroker who violates any of the provisions of Section 1 or 2 of this Act shall be subject to the penalties provided in subsection (1) of KRS 226.990.

S. B. 196. An Act relating to the city-county Board of Health for cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 212.380 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) The board shall be composed of seven members, two of whom shall be the mayor of the city and the county judge of the county, as members ex-officio, and five of whom shall be appointed by the joint action of the mayor and the county judge. Each appointive member shall be not less than thirty years of age, intelligent and discrete, and shall have been a continuous resident of the county for at least two years prior to the date of his appointment. At least one of the appointive members must be a licensed pharmacist, and not more than three of the appointive members may be physicians. All appointive members shall be eligible for reappointment.

(2) In the event none of the appointive members of the board heretofore appointed pursuant to Chapter 41 of the Acts of 1942 is a licensed pharmacist, the term of the member appointed to succeed the member whose term expired June 30, 1943, shall be terminated on June 30, 1946, and a licensed pharmacist shall be appointed to the board in place of such member, to serve for a term ending June 30, 1950. At the expiration of such term, and every four years thereafter, a licensed pharmacist shall be appointed to the board, to serve for a term of four years and until his successor is appointed and qualified. The two members of the board appointed to succeed the members whose terms expired on June 30, 1944, and the two members appointed to succeed the members whose terms expired on June 30, 1945, shall serve until the expiration of their terms, and thereupon, and every four years thereafter, two members shall be appointed to serve for terms of four years and until their successors are appointed and qualified.

S. B. 233. An Act relating to Special local peace officers appointed by the Governor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.360 of the Kentucky Revised Statutes is hereby amended and as amended reads as follows:

(1) The Governor may appoint special local peace officers, for such time as he deems necessary, to preserve the peace and protect the property of any person from waste or destruction. Upon the application of an owner of property for such services, and upon payment of a fee of five dollars for each officer to be appointed, the Governor shall immediately appoint the person recommended by the owner, if the person is eligible. No person shall be eligible for appointment under this section unless he has established to the satisfaction of the Governor that he possesses the qualifications prescribed for nonelective peace officers by KRS 61.300. The Governor may remove any officer so appointed at will or at the request of the owner of the property.

(2) The duties of the officer shall be confined to the premises of the property to be protected, except while in pursuit of a person fleeing from the property after committing an act of violence or destruction of the property. In that case, the officer may pursue the person and make arrest anywhere within the state. He may wear such badges and insigna as will plainly indicate to the public that he is a special local peace officer, but he shall not, in any event, wear any uniform, or any part thereof, of any public police officer; nor shall he in any way impersonate a public police officer or represent himself to any person or persons as being a public police officer; nor shall he perform any of the duties of a public police officer, except those specifically herein granted and at the places herein specifically designated.

(3) When application is made for the appointment of an officer under this section, the Governor shall require the owner to pay into the State Treasury an amount equal to the salary of the officer, and the salary of the officer shall be paid directly out of the State Treasury by order of the Governor.

(4) Application fees shall be placed in the State Treasury and credited to a revolving fund for administrative expenses.

(5) Any person who violates any of the provisions of this act shall be fined not less than ten nor more than one

hundred dollars or imprisoned not less than five nor more than thirty days, or both.

S. B. 61. An Act to establish Junior Colleges in school districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Boards of education of school districts in counties containing a city of the fourth class, whether the boundary lines of the district are contiguous with that of the city or not, are hereby authorized to establish or to acquire by purchase, gift or lease, or by lawful conveyance, junior colleges for the purpose of promoting public education as defined in this act. For the support and maintenance thereof the board of education of such district may levy an ad valorem tax not to exceed 50 cents on each $100.00 worth of taxable property within said district, such levy to be made at the same time that the levy is made for general school purposes. This tax shall be levied annually and collected by the regular tax collector for said district as other school moneys and turned over to the treasurer of said district. Before such a juior college shall be established, the question shall be submitted to the qualified voters of the district at any general election and shall be deemed authorized when a majority of the voters in said election voting upon said proposition are in favor thereof.

2. A junior college within the meaning of this act is a college established or supported in whole or in part by funds raised by taxation and controlled and administered by the board of education of such district as a part of the public school, and affording instruction in arts, and sciences, preprofessional and vocations, and conferring such certificates of attainment as may be authorized by other like or similar institutions of learning above high school grade or standing.

3. The board of education of any school district in a county containing a city of the fourth class that may establish or acquire a junior college under the terms of this act may, for the purpose of supplementing the tax provided in this act, charge each pupil attending the junior college a

tuition fee not to exceed $100.00 per annum, and such other matriculation and incidental fees as may be authorized by the board of education. The tuition fee and other fees shall be collected by the treasurer of the board of education and shall be placed to the credit of the board of education "College Fund" and shall be used for maintaining and operating a junior college.

4. A junior college shall be entitled to support under this act only when its principal work is the maintenance of courses of instruction in advance of the instruction maintained in high schools under the control of the board of education.

5. The board of education in any school district in a county containing a city of the fourth class may set apart or appropriate any site or school building or part of the school building and grounds not especially needed for general school purposes for the use of the junior college or they may acquire such property by the use of the funds accruing to the board of education through the tax levy for the college fund or from the sale of bonds authorized by a majority vote of the qualified voters voting on the proposition when submitted in approved form at any general election, but such sum may not exceed 1% (one percentum of the taxable valuation of the property of the district of the last preceding tax year or the total sum available from the sale of Holding Company Bonds by a Holding Company duly organized for that purpose; and sufficient money shall be set aside from the taxes collected for the junior college fund each year to pay interest and bonds coming due or to create a sinking fund to amortize such bonds.

6. An annual report and audit of receipts and disbursements of the junior college fund shall be made by the board of education of the school district annually as of July 1.

S. Res. 64. Resolution relating to appointment of members of Public Service Commission.

NOW THEREFORE BE IT RESOLVED BY THE SENATE:

1. That the Governor of the Commonwealth of Kentucky submit to the Senate for its approval, the names of three

persons, no more of two of whom shall be of the same political party, for appointment as members of the Public Service Commission; one for a term beginning January 2, 1944 and ending January 2, 1948; one for a term beginning January 2, 1945, and ending January 2, 1949; and one for a term beginning January 2, 1946, and ending January 2, 1950.

2. That the Clerk of the Senate be and he hereby is directed to deliver a true copy of this Resolution to the Governor.

S. Res. 56. Resolution authorizing George Hunt, Joseph Bosley and M. I. Forbes to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That said George Hunt, Joseph W. Bosley, and M. I. Forbes, be and they hereby are authorized to bring and prosecute a suit against the Commonwealth of Kentucky, in either the Franklin Circuit Court or in the Boyd Circuit Court to have adjudicated their claim against the Commonwealth; and that no plea of limitation shall be interposed; and be it further resolved that if they obtain judgment against the Commonwealth, the amount thereof, together with court costs incurred, shall be paid by the Commonwealth out of the General Fund upon presentation of a certified copy of any final judgment to the Commissioner of Finance, who shall draw his warrant on the State Treasurer for the amount thereof and the court costs, in favor of the plaintiffs.

Either the plaintiffs or the defendant may appeal from the judgment of the Circuit Court to the Court of Appeals as in other civil cases; and the Attorney General may compromise and settle the plaintiffs' claim; and any compromise or settlement so agreed upon shall be paid out of the General Fund, and upon certification thereof to the Commissioner of Finance by the Attorney General, the Commissioner of Finance shall issue his warrant upon the State Treasurer in payment thereof.

S. Res. 57. Resolution authorizing Dr. W. E. Riley to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Dr. W. E. Riley is authorized to sue the Commonwealth of Kentucky in the Harlan County Circuit Court for damages resulting from property damage caused by construction of a highway by the Department of Highways of Kentucky.

Said suit shall be for a sum not in excess of $12,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bills and resolutions be printed and referred

To the Committee on Rules.

And that they had passed bills and resolutions which originated in this House entitled:

H. B. 192. An Act relating to the issuance of revenue bonds for industrial buildings in cities.

H. B. 206. An Act relating to charges to grand juries.

H. B. 301. An Act relating to the State Fair Board.

H. B. 416. An Act relating to the Employment Service.

H. B. 428. An Act relating to Mayor Protem and vacancies in the office of Mayor or City Commissioner.

H. Res. 34. Resolution authorizing Myrtle Cooper to sue the Commonwealth.

H. Res. 62. Resolution authorizing Mary K. Gumm to sue the Commonwealth.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk of this House.

Mr. Bassett moved that the Rules of this House be suspended and that Miss Lucy Lane be appointed an Honorary page.

Said motion was agreed to.

Mr. Burnley moved that the Rules of this House be suspended and that the privilege of the floor be extended to Mr. John Farley.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 325. An Act relating to stenographer to Commonwealth's Attorney.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 69.105 of the Kentucky Revised Statutes is amended to read as follows:

In counties containing a city of the second class the Commonwealth's Attorney may appoint a stenographer for a term of four years, subject to removal at any time by the Commonwealth's attorney. The stenographer shall do stenographic work for the Commonwealth's attorney and perform

such other duties assigned to him by the Commonwealth's attorney, and shall have the same power of administering an oath as a notary public. The stenographer shall receive an annual salary of not less than six hundred dollars, nor more than twelve hundred dollars, to be paid by the fiscal court out of the county levy in equal monthly installments, except that in a county which constitutes a separate judicial district an annual salary of $1,800 to $2,400 shall be paid. In judicial districts which contain one or more other counties in addition to the county containing a city of the second class, each county shall pay a proportionate part of the salary of the stenographer, in proportion to the amount of work attributable to each county, the proportion being certified by the Commonwealth's attorney; and provided same is approved by the fiscal courts of such counties.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	R. M. Hall	F. G. Marquette
F. H. Bassett, Jr.	Clyde S. Howard	E. H. Martin
Ott Begley	Maurice Howard	Jack McPherron
W. G. Biggers	Jerry F. Howell	Harry L. Moore
B. J. Bonn	J. J. Huff	J. L. Moore
B. K. Brantley	Ira W. Hulette	J. Lee Moore
John Y. Brown	Kerby Jennings	E. C. Mullins
Chas. W. Burnley	Paul Jonas	Thos. A. Noe
Alex. H. Calvert	B. F. Kincaid	Joe E. Nunn
Adron Doran	G. O. Kirkpatrick	Louis T. Peniston
G. I. Drury	Edgar Kitchen	Luther Slusher
R. R. Ernst	A. L. Love	W. R. Smith
Henry J. Giles	H. K. Lowman	E. A. Spencer
Tom Gilliam	E. J. Lucas	Geo. W. Steinford
Otto W. Goff	Ed Marcum	L. S. Stephens

Ralph G. Stone	Walter L. Trivette	Geo. J. Weining
Ray G. Tipton	Lyle H. Webb	Morris Weintraub
E. N. Todd	W. W. Webster	John Wilborn

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Those who voted in the negative were—

Harold L. Barnes	Eck Embry	Rodney Whitlow
E. R. Denny	Wade H. Riley	

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Resolved that the title thereof be as aforesaid.

Mr. Weintraub moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 457. An Act relating to property subject to ad valorem tax.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any property owned by a private institution of education or by a religious society or organization, which property is used or employed for business purposes or for the purpose of producing income, shall be subject to ad valorem taxes the same as other privately owned property.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	R. M. Hall	Thos. A. Noe
Henry Arrowood	Harold G. Helm	Joe E. Nunn
Harold L. Barnes	Maurice Howard	Louis T. Peniston
Ott Begley	Kerby Jennings	Sylvester Phillips
W. G. Biggers	L. H. Jones	L. W. Preston
Jack Bingham	B. F. Kincaid	E. F. Prichard
B. J. Bonn	G. O. Kirkpatrick	Hobart Rayburn
B. K. Brantley	Edgar Kitchen	Kelse H. Risner
John Y. Brown	A. L. Love	Amos Runyan
Chas. W. Burnley	E. J. Lucas	W. R. Smith
W. K. Coleman	Ed Marcum	Ralph G. Stone
S. J. Daugherty	F. G. Marquette	E. L. Thompson
E. R. Denny	Jack McPherron	Ray G. Tipton
Forest C. Easley	Harry L. Moore	Walter L. Trivette
Bernie S. Edlin	J. L. Moore	Harry F. Walters
Eck Embry	J. Lee Moore	Lyle H. Webb
R. R. Ernst	Joe T. Morgan	Geo. J. Weining
A. H. Eversole	E. C. Mullins	Rodney Whitlow
Henry J. Giles	Rodes K. Myers	John Wilborn
Otto W. Goff		

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Those who voted in the negative were—

F. O. Baker	J. J. Huff	Luther Slusher
F. H. Bassett, Jr.	Ira W. Hulette	Forrest Smith
G. I. Drury	E. H. Martin	L. S. Stephens
E. R. Hilton	W. E. McClure	E. N. Todd
Clyde S. Howard	Wade H. Riley	S. J. Wagner

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 241. An Act relating to billiard and pool rooms.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 436.320 of the Kentucky Revised Statutes of 1944 is amend to read as follows:

(1) Any person owning or controlling a billiard or pool table who permits, for compensation or reward, any minor, without the written permission of the parent, guardian or other person having the care, custody or control of the minor, to play any game on the table whether accompanied by betting or not, shall be fined one hundred dollars and shall forfeit the right and privilege of again keeping a table.

(2) The permit required by subsection (1) of this section shall be made under oath. All permits shall be filed alphabetically by the person owning or operating the billiard or pool table and shall be subject to inspection by any peace officer.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	S. J. Daugherty	Paul Jonas
Henry Arrowood	G. I. Drury	L. H. Jones
F. O. Baker	R. R. Ernst	B. F. Kincaid
Harold L. Barnes	M. B. Gilligan	G. O. Kirkpatrick
F. H. Bassett, Jr.	Otto W. Goff	Edgar Kitchen
Ott Begley	R. M. Hall	Ed Marcum
J. C. Bradley	Harold G. Helm	E. H. Martin
B. K. Brantley	E. R. Hilton	W. E. McClure
John Y. Brown	Maurice Howard	Harry L. Moore
Mrs. Mary Burnett	J. J. Huff	J. Lee Moore
Chas. W. Burnley	Ira W. Hulette	Joe T. Morgan
Alex. H. Calvert	Kerby Jennings	Rodes K. Myers

J. C. Newcomb	Forrest Smith	Harry F. Walters
Joe E. Nunn	E. A. Spencer	Lyle H. Webb
L. W. Preston	Paul J. Stapleton	W. W. Webster
E. F. Prichard	L. S. Stephens	Lawrence Wells
Kelse H. Risner	Ralph G. Stone	Rodney Whitlow
Amos Runyan	E. L. Thompson	John Wilborn
J. W. Simmons	Ray G. Tipton	—56

Those who voted in the negative were—

Eck Embry	Jack McPherron	Hobart Rayburn
Henry J. Giles	E. C. Mullins	Luther Slusher
Clyde S. Howard	Louis T. Peniston	W. R. Smith

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said sill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 41. An Act relating to the classification of cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 81.010 of the Kentucky Revised Statutes, 1944 Edition, is amended to read as follows:

Cities are classified as follows:

(1) First Class
Louisville, Jefferson County

(2) Second class:
Ashland, Boyd County
Covington, Kenton County
Lexington, Fayette County
Newport, Campbell County

Owensboro, Daviess County
Paducah, McCracken County

(3) Third class:

Bowling Green, Warren County
Corbin, Whitley and Knox Counties
Frankfort, Franklin County
Henderson, Henderson County
Hopkinsville, Christian County
Maysville, Mason County
Middlesboro, Bell County
Winchester, Clark County

(4) Fourth class:

Barbourville, Knox County
Bellevue, Campbell County
Carrollton, Carroll County
Catlettsburg, Boyd County
Central City, Muhlenberg County
Cynthiana, Harrison County
Danville, Boyle County
Dayton, Campbell County
Earlington, Hopkins County
Elizabethtown, Hardin County
Fort Thomas, Campbell County
Franklin, Simpson County
Fulton, Fulton County
Georgetown, Scott County
Greenville, Muhlenberg, County
Harlan, Harlan County
Harrodsburg, Mercer County
Hazard, Perry County
Hickman, Fulton County
Irvine, Estill County
Jackson, Breathitt County
Lawrenceburg, Anderson County
Lebanon, Marion County
Ludlow, Kenton County
Madisonville, Hopkins County
Marion, Crittenden County
Mayfield, Graves County

Morganfield, Union County
Mount Sterling, Montgomery County
Murray, Calloway County
Nicholasville, Jessamine County
Olive Hill, Carter County
Paintsville, Johnson County
Paris, Bourbon County
Pikeville, Pike County
Pineville, Bell County
Prestonburg, Floyd County
Princeton, Caldwell County
Providence, Webster County
Richmond, Madison County
Russell, Greenup County
Russellville, Logan County
Scottsville, Allen County
Shelbyville, Shelby County
Somerset, Pulaski County
South Fort Mitchell, Kenton County
Sturgis, Union County
Versailles, Woodford County
Williamsburg, Whitley County

(5) Fifth class:
Albany, Clinton County
Augusta, Bracken County
Bardstown, Nelson County
Bardwell, Carlisle County
Beattyville, Lee County
Beaver Dam, Ohio County
Benton, Marshall County
Berea, Madison County
Brooksville, Bracken County
Burkesville, Cumberland County
Burnside, Pulaski County
Cadiz, Trigg County
Calhoun, McLean County
Campbellsville, Taylor County
Carlisle, Nicholas County
Clay, Webster County
Clinton, Hickman County

Cloverport, Breckenridge County
Columbia, Adair County
Columbus, Hickman County
Corydon, Henderson County
Cumberland, Harlan County
Dawson Springs, Hopkins County
Drakesboro, Muhlenberg County
Eddyville, Lyon County
Elkhorn City, Pike County
Elkton, Todd County
Eminence, Henry County
Evarts, Harlan County
Falmouth, Pendleton County
Flemingsburg, Fleming County
Glasgow, Barren County
Grand River, Livingston County
Grayson, Carter County
Greenup, Greenup County
Guthrie, Todd County
Hartford, Ohio County
Hawesville, Hancock County
Hellier, Pike County
Horse Cave, Hart County
Hustonville, Lincoln County
La Grange, Oldham County
Lancaster, Garrard County
Leitchfield, Grayson County
Livermore, McLean County
London, Laurel County
Louisa, Lawrence County
Manchester, Clay County
Midway, Woodford County
Millersburg, Bourbon County
Monticello, Wayne County
Morehead, Rowan County
Morton's Gap, Hopkins County
Neon, Letcher County
Nortonville, Hopkins County
Owenton, Owen County
Owingsville, Bath County

Park Hills, Kenton County
Perryville, Boyle County
Raceland, Greenup County
Ravenna, Estill County
Salyersville, Magoffin County
Sebree, Webster County
Shively, Jefferson County
Southgate, Campbell County
Springfield, Washington County
Stanford, Lincoln County
Tompkinsville, Monroe County
Uniontown, Union County
Vanceburg, Lewis County
Vine Grove, Hardin County
Warsaw, Gallatin County
Whitesburg, Letcher County
Wickliffe, Ballard County
Willmore, Jessamine County
Williamstown, Grant County

(6) All other incorporated cities belong to the sixth class.

Mr. Denny offered the following amendment to said bill, viz.:

Amend H. B. 41 on page 5 by adding after line 125 on page 5, the following: "Mt. Vernon, Rockcastle County."

Said amendment was agreed to.

Mr. Ernst offered the following amendment to said bill, viz.:

Amend H. B. 41 on pages 3 and 5. On page 3 by adding between lines 49 and 50 the following: "Morehead, Rowan County" and on page 5, by striking out line 124, which now reads "Morehead, Rowan County."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, and the same being engrossed, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Maurice Howard	Joe E. Nunn
Henry Arrowood	Jerry F. Howell	Louis T. Peniston
F. O. Baker	Ira W. Hulette	L. W. Preston
Harold L. Barnes	Kerby Jennings	E. F. Prichard
F. H. Bassett, Jr.	Paul Jonas	Hobart Rayburn
Ott Begley	L. H. Jones	Wade H. Riley
W. G. Biggers	B. F. Kincaid	Kelse H. Risner
B. J. Bonn	G. O. Kirkpatrick	J. W. Simmons
J. C. Bradley	Edgar Kitchen	Luther Slusher
B. K. Brantley	A. L. Love	Forrest Smith
Chas. W. Burnley	Ed Marcum	W. R. Smith
Alex. H. Calvert	F. G. Marquette	E. A. Spencer
E. R. Denny	E. H. Martin	Paul J. Stapleton
G. I. Drury	W. E. McClure	L. S. Stephens
Forest C. Easley	Jack McPherron	E. L. Thompson
Eck Embry	Harry L. Moore	Ray G. Tipton
R. R. Ernst	J. L. Moore	E. N. Todd
A. H. Eversole	J. Lee Moore	Walter L. Trivette
Henry J. Giles	Fred Morgan	Harry F. Walters
Otto W. Goff	Joe T. Morgan	Lyle H. Webb
R. M. Hall	E. C. Mullins	W. W. Webster
Harold G. Helm	Rodes K. Myers	Rodney Whitlow
E. R. Hilton	J. C. Newcomb	John Wilborn
Clyde S. Howard	Thos. A. Noe	—71

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 133. An Act relating to bridges in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 181.500, Kentucky Revised Statutes, is hereby amended and as amended reads:

When the principal and interest on the bonds have been paid or their payment fully provided for, the commission shall stand dissolved. Thereupon: (1) the cash reserve on hand, if any, after all outstanding obligations for the maintenance, repair and operation of the bridge have been paid, shall be paid or turned over to the city to be used in such manner as shall be determined by the Mayor of said city; (2) all right, title and interest in and to said bridge, including lands and appurtenances shall vest in the Commonwealth of Kentucky for the use and benefit of the Department of Highways and the City shall execute such conveyances as may be necessary; (3) the Department of Highways shall assume the operation, maintenance and repair of the bridge, as part of the State Highway system, but it shall be the duty of the city to sweep, sprinkle, light and police the travel portion of said bridge, provided the ordinary duties of the State Highway Patrol may be exercised there over; and (4) said bridge shall thereafter be operated free of tolls.

Section 2. Section 181.480, Kentucky Revised Statutes, is hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Maurice Howard	L. W. Preston
Henry Arrowood	J. J. Huff	E. F. Prichard
F. O. Baker	Ira W. Hulette	Hobart Rayburn
Harold L. Barnes	Kerby Jennings	Wade H. Riley
F. H. Bassett, Jr.	B. F. Kincaid	Kelse H. Risner
Ott Begley	G. O. Kirkpatrick	Amos Runyan
Jack Bingham	Edgar Kitchen	J. W. Simmons
B. J. Bonn	A. L. Love	Luther Slusher
J. C. Bradley	E. J. Lucas	Forrest Smith
John Y. Brown	F. G. Marquette	W. R. Smith
Mrs. Mary Burnett	W. E. McClure	Paul J. Stapleton
Chas. W. Burnley	Jack McPherron	L. S. Stephens
Alex. H. Calvert	Harry L. Moore	Ralph G. Stone
S. J. Daugherty	J. L. Moore	E. L. Thompson
E. R. Denny	J. Lee Moore	Ray G. Tipton
G. I. Drury	Fred Morgan	E. N. Todd
Eck Embry	E. C. Mullins	Walter L. Trivette
A. H. Eversole	Rodes K. Myers	Harry F. Walters
Henry J. Giles	J. C. Newcomb	W. W. Webster
M. B. Gilligan	Thos. A. Noe	Geo. J. Weining
Harold G. Helm	Joe E. Nunn	Rodney Whitlow
Clyde S. Howard	Louis T. Peniston	John Wilborn

—66

Resolved that the title thereof be as aforesaid.

Mr. Bassett moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 135. An Act creating an independent school district in any county where a city and county children's home has been established.

Said bill is as follows viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any city and county children's home established and maintained in accordance with the provisions of KRS Chapter 201 and the grounds owned or leased and lawfully maintained by the board in connection with said home, shall constitute an independent school district. Any school or schools consisting of the elementary and high school grades maintained in connection with said home shall be recognized as public schools, and they and the teachers and pupils therein shall have all the rights and privileges granted by law relating to public schools, teachers and pupils in independent school districts. The school district shall be designated and known as the Independent School District of .....
(Name of city)
and ..... County Children's Home. The
(Name of county)

schools maintained in such district and the administration thereof shall be subject to the law governing independent school districts of the state, and the rules and regulations of the State Board of Education relating thereto with the following exceptions:

(a) The Board created and appointed under KRS 201.020 shall serve as the Board of Education for such independent school district.

(b) The Superintendent of the Home appointed and acting under KRS 201.030 shall serve as the Superintendent of Schools for such independent school district.

(c) The schools of such district shall be financed from a portion of the funds derived from taxes levied in accordance with KRS 201.170 and from all such other funds as may be received for school purposes from state, federal or other sources.

(d) For the purpose of reporting the school census to the Superintendent of Public Instruction, as prescribed by KRS 159.260, all children who have been duly committed or received and who on June 1st of any year are being maintained at said Home, shall be considered as residing in said independent school district on said date.

Whereas, owing to the increased costs of maintenance and education of children, particularly those who are dependent or delinquent, and, whereas, under the law the school census for the purpose of determining the amount of school funds that shall be paid in any school district must be made as of June 1st of each year, an emergency is declared to exist and this Act shall become effective immediately upon passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	B. F. Kincaid	Wade H. Riley
Harold L. Barnes	Edgar Kitchen	Kelse H. Risner
F. H. Bassett, Jr.	A. L. Love	Amos Runyan
B. J. Bonn	Ed Marcum	J. W. Simmons
J. C. Bradley	F. G. Marquette	Luther Slusher
John Y. Brown	W. E. McClure	Forrest Smith
Mrs. Mary Burnett	Jack McPherron	W. R. Smith
Alex. H. Calvert	Harry L. Moore	E. A. Spencer
S. J. Daugherty	J. Lee Moore	L. S. Stephens
E. R. Denny	Fred Morgan	Ralph G. Stone
G. I. Drury	Joe T. Morgan	Ray G. Tipton
Henry J. Giles	E. C. Mullins	E. N. Todd
M. B. Gilligan	J. C. Newcomb	Walter L. Trivette
E. R. Hilton	Joe E. Nunn	W. W. Webster
Clyde S. Howard	Louis T. Peniston	Geo. J. Weining
J. J. Huff	Sylvester Phillips	Rodney Whitlow
Ira W. Hulette	L. W. Preston	John Wilborn
Kerby Jennings	E. F. Prichard	—53

Resolved that the title thereof be as aforesaid.

Mr. Bassett moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 78. An Act to authorize building and loan associations to make loans at variable rates of interest.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1: Building and Loan Associations may make loans at variable rates of interest, not in excess of six percent. The by-laws of the Association shall classify the loans to which the respective interest rates shall apply.

SECTION 2: Building and Loan Associations may make loans in accordance with the provisions of Act of Congress styled "Servicemen's Readjustment Act of 1944" and any amendments thereto.

In as much as there is a great shortage of housing at this time and many Veterans are seeking loans, an emergency is declared to exist and this Act shall take effect and be enforced from and after its passage and aproval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	J. C. Bradley	E. R. Denny
F. O. Baker	John Y. Brown	G. I. Drury
Harold L. Barnes	Chas. W. Burnley	Forest C. Easley
F. H. Bassett, Jr.	Alex. H. Calvert	Henry J. Giles
B. J. Bonn	S. J. Daugherty	Otto W. Goff

Harold G. Helm	Harry L. Moore	Luther Slusher
E. R. Hilton	J. Lee Moore	Forrest Smith
Clyde S. Howard	Joe T. Morgan	W. R. Smith
J. J. Huff	E. C. Mullins	E. A. Spencer
Ira W. Hulette	Rodes K. Myers	L. S. Stephens
Kerby Jennings	J. C. Newcomb	Ralph G. Stone
L. H. Jones	Joe E. Nunn	Ray G. Tipton
B. F. Kincaid	Louis T. Peniston	E. N. Todd
G. O. Kirkpatrick	Sylvester Phillips	Walter L. Trivette
Edgar Kitchen	L. W. Preston	Harry F. Walters
H. K. Lowman	E. F. Prichard	Lyle H. Webb
Ed Marcum	Wade H. Riley	W. W. Webster
F. G. Marquette	Kelse H. Risner	Geo. J. Weining
E. H. Martin	Amos Runyan	Rodney Whitlow
W. E. McClure	J. W. Simmons	John Wilborn
Jack McPherron		—61

Resolved that the title thereof be as aforesaid.

Mr. Bassett moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Myers moved that the House do now adjourn to meet again on tomorrow at eleven o'clock A. M.

Said motion was disagreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 186. An Act authorizing certain persons to condemn land and rights of way for the purpose of securing a water supply.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The owner of real estate serving the public, providing sleeping accommodations and meals, when pure water is not

available in adequate quantities shall have the right to condemn on the banks of any navigable stream a tract of land not more than twenty (20) feet square and above the high water mark for a pumping station site and a right-of-way for a pipe line from said site to the deep water of the navigable stream and from said pumping station site to the point on the owner's real estate where the water is desired for use. The said property owner may condemn a right-of-way for an electric power line over the most direct course to the pumping station site.

The provision of the Kentucky Statutes, Sections 381.660, 381.670, drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Chas. W. Burnley	M. B. Gilligan
Walter J. Bailey	Alex. H. Calvert	Otto W. Goff
F. O. Baker	W. K. Coleman	E. R. Hilton
Harold L. Barnes	Fred Creasey	Clyde S. Howard
F. H. Bassett, Jr.	S. J. Daugherty	J. J. Huff
B. J. Bonn	Adron Doran	Ira W. Hulette
J. C. Bradley	Forest C. Easley	Kerby Jennings
John Y. Brown	Tom Gilliam	B. F. Kincaid

Edgar Kitchen	Joe E. Nunn	E. A. Spencer
A. L. Love	Louis T. Peniston	Geo. W. Steinford
H. K. Lowman	L. W. Preston	L. S. Stephens
Ed Marcum	E. F. Prichard	Ralph G. Stone
F. G. Marquette	Hobart Rayburn	E. L. Thompson
E. H. Martin	Wade H. Riley	Ray G. Tipton
W. E. McClure	Kelse H. Risner	E. N. Todd
J. Lee Moore	Amos Runyan	Harry F. Walters
Joe T. Morgan	J. W. Simmons	W. W. Webster
E. C. Mullins	Luther Slusher	Geo. J. Weining
Rodes K. Myers	Forrest Smith	Rodney Whitlow
J. C. Newcomb	W. R. Smith	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Bassett moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate as follows, viz.:

Be It Resolved by the Senate of Kentucky:

That the Chief Clerk of the Senate be directed to request the House of Representatives to return to the Senate for the purpose of further consideration a bill which originated in the House and which was passed by the Senate, with amendments thereto as proposed and adopted by the Senate, on Tuesday, March 5, 1946, entitled:

H. B. 168. An Act relating to civil service employes in cities of the second and third classes, etc.

Ordered that said request be laid on the Clerk's Desk.

Mr. Runyon of the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

S. B. 143. An Act to amend KRS; relating to Workmen's Compensation.

S. B. 77. An Act relating to bonds of sheriffs.

S. B. 62. An Act providing for appointment and removal of deputy constables in counties containing a population of 150,000 or over.

S. B. 23. An Act providing for the taking of the sense of the people for the calling of a Convention to amend the Constitution.

H. B. 397. An Act relating to the classified service under the merit system in cities of the first class.

H. B. 150. An Act relating to fees and commissions allowed county court clerks.

H. B. 128. An Act relating to ad valorem taxation of the right to receive income.

H. B. 94. An Act relating to the expenses of elections.

H. B. 98. An Act relating to bonds of state officers and employees.

H. B. 160. An Act relating to fences.

H. B. 208. An Act to establish a portion of the boundary line between Knox and Laurel counties.

H. B. 158. An Act relating to assistant county attorneys in certain counties.

H. B. 416. An Act relating to Employment Service.

Thereupon all other business was suspended, said bills were read at length in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the bills which originated in the Senate, be delivered to the Enrolling Clerk of the Senate.

Ordered that the Enrolling Clerk of this House deliver the bills which originated in this House to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills, duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Howell of the Committee on Rules, to which the same had been referred, reported bills and resolutions of the following titles, viz.:

S. Res. 31. Resolution authorizing W. Henry Grimes to sue the Commonwealth.

S. Res. 51. Resolution authorizing George G. Logan to sue the Commonwealth.

S. Res. 53. Resolution authorizing John R. Gray to sue the Commonwealth.

S. Res. 54. Resolution authorizing H. L. Wilkerson to sue the Commonwealth.

S. Res. 55. Resolution authorizing R. G. Hanner to sue the Commonwealth.

S. Res. 63. Resolution providing for a Supplemental Legislative Digest.

H. B. 510. An Act relating to the payment of certain expenses of deputy sheriffs.

H. B. 511. An Act making appropriations for establishing a revolving fund for reimbursing local boards of education.

S. B. 181. An Act relating to pawnbrokers.

S. B. 196. An Act relating to the city-county Board of Health for cities of the first class.

S. B. 233. An Act relating to Special local peace officers appointed by the Governor.

S. B. 61. An Act to establish Junior Colleges in school districts.

S. Res. 64. Resolution relating to appointment of members of Public Service Commission.

S. Res. 56. Resolution authorizing George Hunt, Joseph Bosley and M. I. Forbes to sue the Commonwealth.

S. Res. 57. Resolution authorizing W. D. Riley to sue the Commonwealth.

With expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Arnold moved that the House do now adjourn to meet again on tomorrow at eleven o'clock a. m.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, MARCH 8, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend R. F. Ockerman of the Methodist Church.

The roll was called and the following members answered to their names, viz.:

Roy W. Arnold	Clyde S. Howard	Sylvester Phillips
Henry Arrowood	Maurice Howard	L. W. Preston
F. O. Baker	Jerry F. Howell	E. F. Prichard
Harold L. Barnes	Kerby Jennings	Kelse H. Risner
F. H. Bassett, Jr.	Paul Jonas	Amos Runyan
Ott Begley	L. H. Jones	J. W. Simmons
W. G. Biggers	B. F. Kincaid	Luther Slusher
Jack Bingham	Edgar Kitchen	Forrest Smith
B. J. Bonn	Homer E. Losey	W. R. Smith
J. C. Bradley	A. L. Love	E. A. Spencer
B. K. Brantley	H. K. Lowman	Paul J. Stapleton
John Y. Brown	E. J. Lucas	Geo. W. Steinford
Chas. W. Burnley	Ed Marcum	L. S. Stephens
S. J. Daugherty	F. G. Marquette	E. L. Thompson
E. R. Denny	W. E. McClure	Ray G. Tipton
Adron Doran	Jack McPherron	E. N. Todd
G. I. Drury	Harry L. Moore	Walter L. Trivette
Forest C. Easley	J. L. Moore	S. J. Wagner
Bernie S. Edlin	J. Lee Moore	Harry F. Walters
Eck Embry	Fred Morgan	W .W. Webster
R. R. Ernst	Joe T. Morgan	Geo. J. Weining
Tom Gilliam	E. C. Mullins	Morris Weintraub
M. B. Gilligan	Rodes K. Myers	Lawrence Wells
Otto W. Goff	J. C. Newcomb	Rodney Whitlow
R. M. Hall	Joe E. Nunn	John Wilborn
Harold G. Helm	Louis T. Peniston	Mr. Speaker
E. R. Hilton		

Mr. Bassett moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. J. Lee Moore offered the following resolution, viz.:

H. Res. 110. Whereas, The Honorable R. W. Keenon of Lexington, entertained the members of the General Assembly with a dinner at the Lafayette Hotel in Lexington on last evening, and

Whereas, said dinner was attended and enjoyed by the members of the General Assembly, now therefore,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring:

That we express our sincere appreciation to the said R. W. Keenon for entertaining us so graciously on said occasion.

Be It Further Resolved that a copy of this resolution be sent to Mr. Keenon and a copy spread upon the Journal of the respective Houses of the General Assembly.

Said resolution was adopted.

At the instance of the Committee on Rules, the following bills were introduced, viz.:

By Mr. Kitchen.

H. B. 512. An Act relating to printing.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All printing for which any county, city or other political subdivision of the Commonwealth is chargeable, or which is paid for with funds appropriated wholly or in part by any such county, city or political subdivision, must be printed within such county, city or political subdivision, where practicable, and shall be done by letter-press process.

By Mr. Martin.

H. B. 513. An Act relating to employes of cities of the fourth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In cities of the fourth class, eight hours labor shall constitute a day's work for all appointive city employes other than firemen, except in cases of extraordinary emergency.

By Mr. Lowman.

H. B. 514. An Act to provide homes for Kentucky Veterans of World War II.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Article I.

Section 1. Definitions. As used in Article I of this Act, unless the context requires otherwise:

(a) "Veteran" means any person inducted into any of the armed services of the United States under the National Seelctive Service Act, and any person who has served or may hereafter serve in any branch of the United States Army, the Navy, or other armed services during World War II or during the present national emergency.

(b) "Housing commission" or "commission" means any housing commission created pursuant to this Act.

(c) "Housing project" means a building or buildings containing rooms to be provided as living quarters, and other facilities and appurtenances deemed reasonably necessary by the housing commission to the successful and economical operation of the project, including such buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances; streets, sewers, water services, and site preparation.

(d) "Public body" means any city, village, county, commission, district, authority or other public body or political subdivision of the Commonwealth.

(e) "Federal Government" includes the United States of America, the United States Housing Authority, and any other agency or instrumentality of the United States of America.

(f) "Bonds" means any bonds, notes, interim certificates, debentures or other obligations.

(g) "Revenue bonds" means any bonds, notes, interim certificates, debentures or other obligations which by their terms are payable only and solely out of revenues derived

from rents, the sale of real and personal property owned by any Veterans' Housing Commission, and from gifts or grants. In no event shall any revenue bond constitute a general obligation of any city, village, county, commission, district, authority or other public body or political subdivision of the Commonwealth of Kentucky.

Section 2. Cities of all classes may acquire, establish and operate housing projects under the provisions of this Act, for the purpose of providing adequate and sanitary living quarters for Kentucky veterans and their families. They may create city housing commissions, and they and the commissions created by them shall have all powers necessary and appropriate to engage in such housing projects.

Section 3. A city Veterans' Housing Commission in cities of the first five classes shall consist of the mayor, ex officio, and four persons appointed by him with the approval of the city legislative body. A veterans' city housing commission in cities of the sixth class shall consist of the chairman of the board of trustees, ex officio, and four persons appointed by him with the approval of the board of trustees.

Section 4. Each person appointed to a veterans' city housing commission shall be at least twenty-five years of age and a bona fide resident of the city for which he was appointed for at least one year preceding the appointment. No officer or employe of the city, whether holding a paid or unpaid office, shall be eligible to hold an appointment on the vetearns' housing commission. No more than two appointees on any city veterans' housing commission shall be affiliated with the same political party. Appointees to any city veterans' housing commission shall be originally appointed for terms of four years. Upon expiration of the term of the first appointees, their successors shall be appointed for terms of one, two, and three years, respectively, and upon expiration of the term of each of the second group of appointees his successor shall be appointed for a term of four years. Vacancies shall be filled for unexpired terms in the same manner as the original appointment.

Section 5. The persons appointed as provided in sections 2 to 5 of this Act shall constitute a body corporate

in the name of ..... Municipal Veterans' Housing Commission with power to contract and be contracted with, to sue and be sued, and to adopt a seal and alter it at will. Each municipal veterans' housing commission may establish by-laws, rules and regulations for its own government. Each municipal veterans' housing commission shall elect a chairman and a vice chairman from its members, and a secretary and treasurer who need not be a member of the commission. The duties of the offices of secretary and treasurer may be performed by the same person.

Section 6. Each member of a veterans' housing commission, except an ex officio member, shall receive compensation either as a salary or as payment for meetings attended. The compensation of members of a veterans' housing commission shall be fixed by the legislative body of the city. The veterans' housing commission shall fix the compensation of the secretary and treasurer, but the city legislative body may fix or limit the salary.

Section 7. The veterans' housing commission may employ technical experts and attorneys, and any other employes that it deems necessary. The veterans' housing commission may fix the compensation of its employes. The legislative body of the city may prescribe the limitations of compensation for employes of the veterans' housing commission, and may prescribe whether or not an employe shall devote his entire time to his duties as an employe of the veterans' housing commission.

Section 8. No member or employe of a veterans' housing commission shall acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall he have any interest in any contract or proposed contract for materials or services to be furnished or used in connection with any project. If any member or employe of any veterans' housing commission owns or controls an interest, direct or indirect, in any property included in any project, which interest was acquired prior to his appointment or employment, he shall disclose the same to the veterans' housing commission at the time of his

appointment and the disclosure shall be entered upon the minutes of the commission.

Section 9. Whenever it appears to an appointive officer that a member of a veterans' housing commission is incompetent or guilty of neglect of duty, or misfeasance or malfeasance, the appointed member may be required to appear before the commission to show cause why he should not be removed from office. At least fifteen days' written notice of the hearing shall be given to the member whose conduct is in question, and to all other members. At the hearing the member may be heard and he may present such pertinent evidence as he wishes or as requested. If after the hearing the commission feels that a member has been incompetent, or has been guilty of neglect of duty, or misfeasance or malfeasance, it shall remove the member within seven days and there shall be a vacancy in the office to be filled as in this Act provided.

Section 10. The veterans' housing commission shall:

(a) Prepare or cause to be prepared proper plans and specifications for the construction of veterans' housing projects;

(b) Select the location, and determine the size, type and method of construction;

(c) Make or cause to be made the necessary estimates of the probable cost of construction and of the acquisition of the land and rights for the sites;

(d) Enter into the necessary contracts to build the necessary buildings; and

(e) Cause a survey and map to be made of all lands, rights-of-way, franchises, easements or other interests in land, owned by any person, the acquisition of which may be deemed necessary for the construction of the veterans' housing project, and cause the map and survey to be filed in its office.

Section 11. The commission shall not proceed to exercise or carry out any authority or power herein given it to bind the commission beyond the extent to which money has been provided under the authority of this Act.

Section 12. No contract or agreement with any contractor for the construction of a veterans' housing project,

exceeding one thousand five hundred ($1,500.00) dollars shall be made without advertising for bids. The bids shall be opened publicly and the award made to the best bidder, with power in the Commission to reject any or all bids.

Section 13. A veterans' housing commission may acquire by gift, devise, bequest, lease, grant, or purchase, solely from the funds provided under the authority of this Act, lands, structures, or interests in land or structures necessary for the low cost of veterans' housing projects, upon terms, prices, or considerations considered reasonable by the commission and agreed upon between the commission and the owner. Title to all property acquired by the commission shall be taken in the corporate name of the commission.

Section 14. If it becomes necessary to condemn property to construct a veterans' housing project, or secure rights-of-way leading thereto, the veterans' housing commission may, by resolution reciting the need, order the condemnation of any land or improvements or interest in land that it deems necessary. Proceedings for the condemnation shall be the same as that provided in KRS 416.120, and the city attorney shall conduct the proceedings for the commission. No payment or award in any condemnation proceedings, or for the cost or expense of the proceedings, shall be made except from funds provided under the authority of this Act.

Section 15. The veterans' housing commission shall operate, manage and control veterans' housing projects in their entirety, fix the rate of rentals, and establish by-laws, rules and regulations for the use and operation of the projects not inconsistent with the provisions of this Act. The legislative body of the city may prescribe by ordinance penalties for the violation of by-laws, rules and regulations of a project located within the city.

Section 16. The veterans' housing commission shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with decent, safe and sanitary dwelling accommodations, and no veterans' housing commission shall construct or operate any veterans'

housing project for profit, or as a source of revenue to the city.

Section 17. A veteran's housing commission may rent or lease the dwelling accommodations of a veterans' housing project only to Kentucky veterans, and they shall be selected by the commission upon the basis of those in greatest need of such housing. A veterans' housing commission may rent or lease to a veteran dwelling accommodations consisting only of the number of rooms it deems necessary to provide safe and sanitary accommodations to the proposed occupants without overcrowding.

Nothing contained in this section shall limit the power of a veterans' housing commission to vest in an obligee of the commission the right, in the event of a default by the commission, to take possession of a veterans' housing project or cause the appointment of a receiver thereof, free from all of the restrictions imposed by this section.

Section 18. Cities of all classes may provide funds for carrying out the purposes of this Act by the issuance of revenue bonds pursuant to a resolution of the veterans' housing commission. The bonds or other obligations of a veterans' housing commission shall not constitute an obligation of the city. The bonds shall be payable solely and only out of the property, revenues and assets of the veterans' housing commission. Nothing contained in this Act shall authorize or permit any city to incur any obligation of any nature prohibited by the Constitution. Subject to the restrictions set forth in this Act, a city veterans' housing commission may incur any indebtedness and issue any obligations and give any security it deems necessary or advisable in connection with any project undertaken by it. A city veterans' housing commission may issue its bonds to pay for its indebtedness from time to time, in such amounts, with such maturities, and upon such terms and conditions and upon such security as it deems necessary or advisable in connection with any project undertaken or to be undertaken by it. The bonds shall be signed by the chairman of the veterans' housing commission, or other agent designated by the commission, and by the mayor in the case of cities in the first five classes,

and by the chairman of the board of trustees in the case of cities of the sixth class, or by the presiding officer of the legislative body of the city under the city's seal attested by a finance officer of the city.

Any city veterans' housing commission may in connection with the borrowing of funds or otherwise enter into agreements with the Federal Government providing for supervision and control of the veterans' housing commission or any veterans' housing project and containing such other covenants, terms and conditions as the housing commission deems advisable. In connection with any loan, the city veterans' housing commission is authorized to agree to limitations upon the exercise of its powers.

Bonds issued pursuant to this Act shall have, in the hands of a bona fide holder, all of the qualities and incidents of negotiable instruments. They shall be exempt from taxation by the State and its political subdivisions, and the income therefrom shall be exempt from the State Income Tax. It shall be plainly stated on the face of each bond that it has been issued under the provisions of this Act and that it does not constitute an indebtedness of the city within the meaning of any constitutional provisions or limitations. In case any provision is made for the redemption or prepayment of any bond before maturity, such provision shall require that the bond to be redeemed or prepaid shall be selected by lot from the whole number of the issue then outstanding. The bonds may be issued without a vote of the voters and without any other proceedings or conditions than those specified by this Act and by the Constitution.

All revenue bonds issued shall be sold to the highest and best bidder after being duly advertised for such time and in such manner as may be prescribed by the veterans' housing commission or by the legislative body of the city.

Section 19, The rents and other revenues of a city veterans' housing commission shall be applied: first to pay the interest and principal of the bonds issued under the provisions of this Act as payments fall due; next, to pay the costs of maintaining, repairing, improving and operating its projects; next, to create such reserve as the veterans' hous-

ing commission deems necessary and proper. The excess if any, of any rents may be applied to the prepayment of the obligations of the veterans' housing commission, or may be placed in a special fund for the purpose of paying the principal and interest of the obligations as they become due.

Section 20. For the purpose of aiding and cooperating in the planning, undertaking, construction and operation of veterans' housing projects located within the area in which it is authorized to act, any public body may, upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses, or any other rights or privileges therein to a veterans' housing commission or to the Federal Government;

(b) Cause water, sewer, or drainage facilities, or any other works which it is empowered to undertake, to be furnished adjacent to or in connection with veterans' housing projects;

(c) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan public ways or other places which it is otherwise empowered to undertake;

(d) Plan or replan, zone or rezone any part of the public body; make exceptions from building regulations and ordinances;

(e) Cause services to be furnished to the veterans' housing commission of the character which the public body is otherwise empowered to furnish;

(f) Enter into agreements with respect to the exercise by such public body of its powers relating to the repairing, closing, or demolition of unsafe, unsanitary, or unfit dwellings;

(g) Employ any funds allocated to or within the control of such public body, including funds derived from the sale or furnishing of property or facilities to a veterans' housing commission, in the purchase of the bonds or other obligations of a veterans' housing commission; and exercise all the rights of any holder of such bonds or other obligations;

(h) Do any and all other things necessary or convenient to aid, undertake and cooperate in the planning,

undertaking or construction or operation of veterans' housing projects;

(i) Incur any part or the entire expense of any public improvements made by such public body in exercising the powers granted in this section;

(j) Enter into agreements, which may extend over any period, with a veterans' housing commission respecting action to be taken by such public body pursuant to the powers granted by this section; and

(k) Any sale, conveyance, lease, or agreement provided for in this Act may be made by a public body without appraisal, public notice, advertisement or public bidding.

Section 21. Any city or county located in whole or in part within the area of operation of a veterans' housing commission may from time to time lend or donate money to a veterans' housing commission or agree to take such action. The veterans' housing commission, when it has money available therefor, shall make reimbursements for all such loans made to it.

Article II

Section 1. Definitions. As used in Article II of this Act, unless the context otherwise requires:

(a) "Bonds" means any bonds, notes, interim certificates, debentures, and other obligations issued by any veterans' housing commission pursuant to Article II of this Act.

(b) "Clerk" means the clerk of the city or the clerk of the county, as the case may be, or the officer charged with the duties customarily imposed on such clerk.

(c) "Commission" or "Veterans' Housing Commission" means any of the public corporations created pursuant to the provisions of this Article II of this Act.

(d) "Federal Government" includes the United States of America, the United States Housing Authority, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

(e) "Governing body" means, in the case of a city, the city legislative body; and in the case of a county, the fiscal court.

(f) "Housing project" or "Veterans' Housing Project" means any work or undertaking to provide, decent, safe, and sanitary urban or rural dwellings, apartments, or other living accommodations for Kentucky veterans; such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, site preparation, administrative, welfare, or other purposes; or to accomplish a combination of the foregoing. The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repairing of the improvements, and all other work in connection therewith.

(g) "Mayor" means the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city.

(h) "Obligee of the commission" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessor leasing to the veterans' housing commission property used in connection with a veterans' housing project, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with a veterans' housing commission.

(i) "Veteran" means any person inducted into any of the armed services of the United States under the National Selective Service Act, and any person who has served or may hereafter serve in any branch of the United States Army, the Navy, or other armed services during World War II or during the present national emergency.

(j) "Real property" includes all lands and the improvements and fixtures thereon, any property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, and right, legal or equitable therein including terms for years and liens by way of judgment, mortgage or otherwise, and the indebtedness secured by such liens.

Section 2. If the governing body of a county, by resolution, declares (upon findings hereinafter in this Article prescribed) that there is a need for a veterans' housing com-

mission to be created for such county, to exercise therein powers and other functions prescribed for a veterans' housing commission of a county, a County Veterans' Housing Commission shall thereupon exist for such county.

If the governing body of each of two or more contiguous counties, by resolution, declares (upon findings prescribed by this Act) that there is a need for one veterans' housing commission to be created for all of such counties, to exercise in such counties powers and other functions prescribed for a regional veterans' housing commission, a regional veterans' housing commission shall thereupon exist for all of such counties and exercise its powers and other functions in such counties. If there is a county veterans' housing commission created for a county, the governing body of that county shall not adopt such resolution unless first, all holders of any outstanding bonds, notes, or other evidences of indebtedness of such county veterans' housing commission consent to such action and the county veterans' housing commission adopts a resolution not to thereafter initiate any veterans' housing project within such county.

Section 3. The area of operation of a veterans' housing commission created for a county shall include all of the county for which it is created, and the area of operation of a regional veterans' housing commission shall include, except as otherwise in this Article provided, all of the counties for which such regional veterans' housing commission is created and established. But no county or regional veterans' housing commission shall undertake any veterans' housing project or projects within the boundaries of a city, unless a resolution has been adopted by the governing body of the city and also by any veterans' housing commission which has been created for that city pursuant to Article I of this Act, declaring that there is a need for the county or regional veterans' housing commission to exercise its powers within that city.

Section 4. The area of operation of a regional veterans' housing commission shall be increased from time to time to include one or more additional contiguous counties not already within a regional veterans' housing commission, if the

governing body of each of the counties then included in the area of operation of the regional veterans' housing commission, the commissioners of the regional veterans' housing commission, and the governing body of each such additional county or counties, each adopt a resolution declaring that there is a need for the inclusion of such additional county or counties in the area of operation of the regional veterans' housing commission. Such resolutions shall not be adopted if there is a county evterans' housing commission created for any such additional county, unless first, all holders of any outstanding bonds, notes, or other evidences of indebtedness of that county veterans' housing commission consent in writing to such action and the county veterans' housing commission adopts a resolution not to thereafter initiate any veterans' housing project within that county.

Section 5. The area of operation of a regional veterans' housing commission shall be decreased from time to time to exclude one or more counties from such area, if the governing body of each of the counties in such area and the commissioners of the regional veterans' housing commission each adopt a resolution declaring there is a need for excluding such county or counties from such area. No action shall be taken pursuant to this section if the regional veterans' housing commission has outstanding any bonds, notes, or other evidences of indebtedness, unless first, all holders of such evidences of indebtedness consent in writing to such action. If such action decreases the area of operation of the regional veterans' housing commission to only one county, the commission shall thereupon constitute and become a veterans' housing commission for that county, in the same manner as though the commission were created pursuant to section 2 of this Article of this Act, and the commissioners of such county veterans' housing commission shall be thereupon appointed as provided for the appointment of commissioners of a veterans' housing commission created for a county.

Section 6. The governing body of each of the counties in the area of operation of the regional veterans' housing commission, and the commissioners of the regional veterans' housing commission shall adopt a resolution declaring that

there is a need for excluding a county or counties from such area if:

(1) Each of the governing bodies of the counties to remain in the area of operation of the regional veterans' housing commission, and the commissioners of the regional veterans housing commission, find that (because of facts arising or determined subsequent to the time when such area first included the county or counties to be excluded) the regional veterans' housing commission would be a more efficient or economical administrative unit to carry out the purposes of this Act if such county or counties were excluded from such area; and

(2) The governing body of such county or counties to be excluded, and the commissioners of the regional veterans' housing commission, each, also find that (because of the aforesaid changed facts) the purposes of this Act could be carried out more efficiently or economically in such county or counties if the area of operation of the regional veterans' housing commission did not include such county or counties.

Section 7. Any property held by a regional veterans' housing commission within a county or counties excluded from the area of operation of such commission, as herein provided, shall, as soon as practicable after the exclusion of said county or counties respectively, be disposed of such commission in the public interest.

Section 8. No governing body of a city or county shall adopt a resolution under the provisions of this Article II of this Act, declaring that there is a need for a veterans' housing commission to be created, or to exercise its powers within such city or county, or that there is a need to include such city or county within the area of operation of a veterans' housing commission, unless such governing body shall have found substantially that there are a sufficient number of veterans, who, with their families, are in need of safe, sanitary dwelling accommodations in such city or county; and that these conditions can be best remedied through the exercise of the veterans' housing commissions' powers within the territorial boundaries of such city or county.

Section 9. In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of a veterans' housing commission the commission shall be conclusively deemed to have become created as a public body corporate and politic upon proof of the adoption of the resolution of the governing body, declaring the need for the veterans' housing commission as required by this Act. Such resolution or resolutions shall be deemed sufficient if it declares that there is such need for the veterans' housing commission, and finds in substantially the foregoing terms that the conditions enumerated in Section 8 of this Article II exist in the city or county or region, as the case may be. A copy of the resolution or resolutions, duly certified by the clerk, shall be admissible in evidence in any suit, action, or proceeding.

Section 10. If a veterans' housing commission is created for a county, the governing body of that county shall appoint five (5) persons as commissioners of the veterans' housing commission. Three of the five commissioners who are first appointed shall be designated to serve for terms of one, two, or three years, and two of such commissioners for terms of four years, respectively, from the date of their appointments; but thereafter commissioners of the veterans' housing commission shall be appointed as aforesaid for terms of four years, except that all vacancies shall be filled by the governing body for the unexpired terms.

Section 11. The governing body of each county included in a regional veterans' housing commission shall appoint one person as a commissioner of the regional veterans' housing commission, and each such commissioner to be first appointed by the governing body of a county may be appointed at or after the time of the adoption of the resolution declaring the need for such regional veterans' housing commission, or declaring the need for the inclusion of such county in the area of operation of such regional veterans' housing commission. When the area of operation of a regional veterans' housing commission is increased to include an additional county or counties as provided above, the governing body of each such county shall thereupon appoint one additional per-

son as a commissioner of the regional veterans' housing commission. The governing body of each county shall appoint the successor of the commissioner appointed by it. If any county is excluded from the area of operation of a regional veterans' housing commission, the office of commissioner of such regional veterans' housing commission appointed by the governing body of such county shall be thereupon abolished.

If the area of operation of the regional veterans' housing commission consists at any time of an even number of counties, the commissioners of the regional veterans' housing commission appointed by the governing body of such counties shall appoint one additional commissioner, whose term of office shall be as herein provided for a regional veterans' housing commissioner except that such term shall end at an earlier time that the area of operation of the regional veterans' housing commission shall be changed to consist of an odd number of counties. The commissioners of such commission appointed by the governing bodies of such counties shall likewise appoint each person to succeed such additional commissioner; Provided that the term of office of such person begins during the terms of office of the commissioners appointing him.

The commissioners of a regional veterans' housing commission shall be appointed for terms of four years, except that all vacancies shall be filled by the appointing authority for the unexpired term.

Section 12. A certificate of the appointment of any commissioner shall be filed with the clerk (provided that in the case of appointment of a commissioner of a regional veterans' housing commission by its other commissioner, such certificate shall be signed by the commissioners making the appointment and filed with the other records of the regional veterans' housing commission), and such certificates shall be conclusive evidence of the due and proper appointment of such commissioner. No commissioner shall be an officer or employe of a county for which the commission is created. A commissioner shall hold office until his successor has been appointed and has qualified, except as otherwise provided

herein. A commissioner shall receive no compensation for his services for the commission, in any capacity, but he shall be entitled to be paid his necessary travel and other expenses incurred in the discharge of his duties.

Section 13. The commissioners shall constitute the veterans' housing commission. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising powers and for all other purposes. Action may be taken by the commission upon a vote of the majority of the commissioners present, unless in any case the by-laws of the commission require a larger number. The commission shall select from among its commissioners a chairman and a vice chairman, and it may employ a secretary, who shall be executive director, technical experts, and such other officers, agents, and other employes, permanent or temporary as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, a veterans' housing commission may call upon the chief law officer of the city or county for which it is created, or may employ its own legal staff. A veterans' housing commission may delegate to its own employees such powers or duties as it deems proper.

Section 14. Meetings of the commissioners of a veterans' housing commission may be held anywhere within the boundaries of the area of operation or territorial jurisdiction of such commission, or within any additional area where the veterans' housing commission is authorized to undertake a veterans' housing project, and any person may be appointed as a commissioner who resides within such boundaries or such additional area, and who is otherwise eligible for such appointment under the provisions of this Act.

Section 15. No commissioner or employe of a veterans' housing commission shall acquire any interest, direct or indirect, in any veterans' housing project or in any property included or planned to be included in any veterans' housing project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services used or to be used in connection with any veterans' housing project. If any commissioner or employe of a veterans'

housing commission owns or controls an interest, direct or indirect, in any property included or planned to be included in any veterans' housing project, he immediately shall disclose the same to the commission and such disclosure shall be entered upon the minutes of the veterans' housing commission. Failure to disclose such interest shall constitute misconduct in office. Upon such disclosure, such commissioner or employe shall not participate in any action by the veterans' housing commission affecting such property.

Section 16. For inefficiency or neglect of duty or misconduct in office or misfeasance or malfeasance, a commissioner may be removed by the authority appointing him; but a commissioner shall be removed only after he has been given a copy of the charges against him at least ten days prior to the hearing thereon, and has had an opportunity to be heard. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed, as required for the certificate of appointment of such commissioner.

Section 17. If the governing body of each of two or more cities (whether or not contiguous), by resolution, declares that there is a need for one veterans' housing commission to be created for all of such cities, to exercise in such cities the power and other functions prescribed for a consolidated veterans' housing commission, a public body corporate and politic to be known as a "Consolidated Veterans' Housing Commission" (with such corporate name as it selects), shall thereupon exist for all of such cities and exercise its powers and other functions within its area of operation, as herein defined, including the power to undertake veterans' housing projects therein.

The area of operation of a consolidated veterans' housing commission shall include all of the territory within the boundaries of each city joining in the creation of such consolidated veterans' housing commission, except that such area of operation may be changed to include or exclude any city or cities in the same manner and under the same provisions as in this Article II of this Act provided for changing the

area of operation of a regional veterans' housing commission by including or excluding a county or counties.

If the area of operation of a consolidated veterans' housing commission is decreased to only one city, such commission shall thereupon constitute and become a veterans' housing commission for such city, in the same manner as though such commission were thereupon created pursuant to Article I of this Act; and for all such purposes the term "county" shall be construed as meaning "city," the terms "county veterans' housing commission" and "regional veterans' housing commission" shall be construed as meaning "veterans' housing commission of the city" and "veterans' consolidated housing commission" respetcively and the term "governing body" shall be construed as meaning "mayor," unless a different meaning clearly appears from the context.

Section 18. Any veterans' housing commission created under the terms of this Act shall constitute a public body corporate and politic, exercising public and essential governmental functions and shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including all powers specifically enumerated in Section 10, Article I of this Act.

Article III.

Section 1. Bonds or other obligations issued by any veterans' housing commission for a veterans' housing project developed or administered pursuant to the provisions of this Act, shall be eligible for security for public deposits and legal investments to the same extent and for the sam persons, institutions, associations, corporations, bodies and officers as bond or other obligation issued pursuant to KRS 80.010 to 80.250 and KRS 80.310 to 80.610.

Section 2. Any veterans' housing commission created under the provisions of this Act may cooperate with, or act as an agent for, the Federal Government in the development or administration of similar projects by the Federal Government. In acting under this authorization, a veterans' housing commission shall not be subject to any limitations, restrictions or requirements of other laws, except those relating to

land acquisition. Any veterans' housing commission created under the provisions of this Act may do any and all things necessary or desirable to cooperate with, or act as agent for, the Federal Government, or to secure financial aid in the expeditious development or in the administration of projects to assure the availability of safe and sanitary dwellings for Kentucky veterans.

The enumeration of powers in this Act shall in nowise be construed as a limitation upon the powers of any veterans' housing commission except as expressly provided or as limited by the Constituion of Kentucky. The provisions of this Act shall be construed as supplementary and as in addition to any other laws now in force.

Section 3. WHEREAS, there is now a critically acute housing shortage, and

WHEREAS, thousands of returning Kentucky veterans are in immediate need of housing for themselves and their families, an emergency is declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Ordered that said bills be printed and referred

To the Committee on Rules.

Mr. Lowman moved that the Chief Clerk be directed to have three hundred additional copies of H. B. 514 printed.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills and resolutions of the following titles, viz.:

S. Res. 31. Resolution authorizing W. Henry Grimes to sue the Commonwealth.

S. Res. 51. Resolution authorizing George G. Logan to sue the Commonwealth.

S. Res. 53. Resolution authorizing John R. Gray to sue the Commonwealth.

S. Res. 54. Resolution authorizing H. L. Wilkerson to sue the Commonwealth.

S. Res. 55. Resolution authorizing R. G. Hanner to sue the Commonwealth.

S. Res. 63. Resolution providing for a Supplemental Legislative Digest.

H. B. 510. An Act relating to the payment of certain expenses of deputy sheriffs.

H. B. 511. An Act making appropriations for establishing a revolving fund for reimbursing local boards of education.

S. B. 181. An Act relating to pawnbrokers.

S. B. 196. An Act relating to the city-county Board of Health for cities of the first class.

S. B. 233. An Act relating to special local peace officers appointed by the Governor.

S. B. 61. An Act to establish Junior Colleges in school districts.

S. Res. 64. Resolution relating to appointment of members of Public Service Commission.

S. Res. 56. Resolution authorizing George Hunt, Joseph Bosley and M. I. Forbes to sue the Commonwealth.

S. Res. 57. Resolution authorizing W. D. Riley to sue the Commonwealth.

H. Res. 10. Resolution authorizing I. L. Story administrator of the estate of Iza L. Mason to sue the Commonwealth.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 134. An Act relating to Free Public Libraries in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 173.050, Kentucky Revised Statutes, is hereby amended and as amended reads as follows:

173.050 (2801b-3; 2801b-7) Powers of board of trustees. (1) The board of trustees may, in its corporate name:

(a) Contract and be contracted with, sue and be sued, and have and use a corporate seal which it may alter at pleasure;

(b) Acquire, by itself or jointly with the city in which the library is located, by gift, purchase or otherwise, and hold, in the same manner, real and personal property to the use of the public library for the purpose for which it is dedicated;

(c) Use, manage and improve, sell and convey, rent or lease property, and erect suitable buildings.

(2) The board of trustees may mortgage any real or personal property owned by the library to secure any sums borrowed for making repairs or improvements, or paying off any indebtedness it may owe. The mortgage shall not exceed $1,000,000.00.

Section 2. Section 173.070 Kentucky Revised Statutes, is hereby amended and as amended reads as follows:

173.070 (2801b-6) Tax for public library; disposition of revenue; report to legislative body. (1) To raise money for the establishment and maintenance of the library, the city legislative body shall annually levy a tax of not less than three and one-half cents or more than ten cents on each one hundred dollars' worth of property assessed for taxation for city purposes. When the assessment is completed the amount levied annually shall be credited to the library fund of the city, and the revenue, as collected, shall be paid over to the board of trustees by the director of finance in regular monthly installments.

(2) The board shall make a report to the city legislative body each July, showing the use of the library for the fiscal year ending the last day of June preceding, the receipts and expenditures of all moeny handled by it during the year, and giving such other information as may promote the usefulness of the library to the public, or as is called for by the city legislative body. No portion of the property or fund held for library purposes under this section shall ever be applied to the support of any library not exclusively under the control of the board of trustees.

Section 3. Section 173.080, Kentucky Revised Statutes, is hereby amended and as amended reads as follows:

173.080 (2801b-9) Issuance of library bonds. The board of trustees may, in its discretion, issue bonds in the sum of not over $1,000,000.00 for the purpose of making improvements or repairs, or paying off any indebtedness it may owe. The bonds may be secured by any or all real or personal property owned by the library. The bonds shall be designated as 'library bonds' and the board of trustees shall by resolution, fix the date and maturity of the bonds, the rate of interest and form they shall bear and where they shall be payable. The board shrall determine when, at what price and how the bonds shall be sold. As the bonds are sold their proceeds shall be placed in some bank, but shall be kept in a separate account and shall be used only for the purpose for which the bonds were issued, provided however the

expense and cost of floating the bonds may be paid therefrom. The rent received in any year from any real property belonging to the board of trustees shall be first applied to the payment of interest on bonds for such year, and next to the sinking fund requirements of the bond issue for such year, and the balance may be used for current operating expenses of the board of trustees.

Section 4. (Fiscal Year). The fiscal year of the Free Public Libraries in cities of the first class shall begin on the first day of July of each year and end on June 30 next following.

Section 5. (Retirement Plan for Employees). The Board of Trustees of the Free Public Libraries in cities of the first class created or existing under the laws of Kentucky, which have not less than two full-time employes, may provide for their retirement with annuities; may adopt the American Library Association Retirement Plan or make such other provisions for retirement of its employes as the Board deems proper, whether similar to the American Library Association Retirement Plan or otherwise.

Section 6. (Sevarability). Should any section, subsection, paragraph, sentence, clause, or phrase, of this Act be declared unconstitutional or invalid for any reason, by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate, the remainder of this Act.

Section 7. (Emergency Clause). It appearing that the Free Public Libraries heretofore established in cities of the first class have bonded indebtedness, the interest upon which is due March 1st and September 1st of each year, at which time upon thirty days prior notice, such libraries may call their outstanding bonds; and

Whereas the Board of Trustees of the Free Public Libraries in cities of the first class desire to start work upon improving their real property at the earliest possible moment; and

Whereas it is necessary that this Act be put into effect as speedily as possible to effect such end an emergency is

declared to exist and this Act takes effect upon its passage, and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	J. J. Huff	L. W. Preston
F. O. Baker	Paul Jonas	E. F. Prichard
Harold L. Barnes	B. F. Kincaid	Hobart Rayburn
F. H. Bassett, Jr.	Edgar Kitchen	Kelse H. Risner
Ott Begley	A. L. Love	Amos Runyan
W. G. Biggers	H. K. Lowman	J. W. Simmons
Jack Bingham	E. J. Lucas	Luther Slusher
B. J. Bonn	Ed Marcum	Forrest Smith
J. C. Bradley	F. G. Marquette	W. R. Smith
John Y. Brown	E. H. Martin	E. A. Spencer
Chas. W. Burnley	W. E. McClure	Paul J. Stapleton
S. J. Daugherty	Jack McPherron	Geo. W. Steinford
E. R. Denny	Harry L. Moore	L. S. Stephens
G. I. Drury	J. L. Moore	E. L. Thompson
Forest C. Easley	J. Lee Moore	Ray G. Tipton
R. R. Ernst	Fred Morgan	E. N. Todd
A. H. Eversole	Joe T. Morgan	Walter L. Trivette
Tom Gilliam	E. C. Mullins	Harry F. Walters
M. B. Gilligan	Rodes K. Myers	Lyle H. Webb
Otto W. Goff	J. C. Newcomb	W. W. Webster
R. M. Hall	Thos. A. Noe	Geo. J. Weining
Harold G. Helm	Joe E. Nunn	Morris Weintraub
Clyde S. Howard	Louis T. Peniston	Lawrence Wells
Maurice Howard	Sylvester Phillips	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 440. An Act relating to the mining and producing of bituminous coal.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 351.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Chief" means Chief of the Department of Mines and Minerals.

(b) "Commercial mine" means any coal mine from which coal is mined for sale or exchange.

(c) "Department" means the Department of Mines and Minerals.

(d) "Drift" means an opening through the strata with opening grades such as to permit coal to be hauled by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress egress and other purposes in connection with the mining of coal.

(e) "Gaseous mine" means any mine in which methane can be or has been detected in the air in amounts of twenty-five one-hundredths per cent or more, or where at least five per cent of methane can be detected in the vicinity of any shot-hole, crevice in the coal, roof, or floor of that mine, or when inflammable gas enters a split of ventilating current at a rate of more than twenty-five cubic feet per minute.

"Nongaseous mine" means any mine not classified as a gaseous mine.

(f) "Mine" means a group or system of shafts, slopes, drifts or inclined planes connected by one general system of mine railroads over which coal may be delivered to one or

more points outside the mine, and connected with excavations that penetrate coal strata and are ventilated by one general air current or divisions thereof.

(g) "Mine foreman" means the person whom the operator or superintendent places in charge of the workings of the mine and of persons employed therein.

(h) "Operator" means an individual, firm or corporation operating a coal mine or any part thereof.

(i) "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal, for the purpose of ventilation or drainage, or for hoisting men, coal or materials.

(j) "Slope" means an inclined opening used for the same purpose as a shaft.

(k) "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines.

(l) "Approved" means a device, apparatus, equipment, machinery or practice approved by the Chief of the Department of Mines and Minerals.

(m) "Grounding" means the establishment of a low-resistance or low-impedance metal-ground connection or path, extending continuously from the part to be protected to a low-resistance earth connection. The ground connection should have sufficient current-carrying capacity to operate over-current circuit-breaking devices. It should do this without overheating any part of the connection and be strong enough mechanically to withstand the stress or abuse to which it may be subjected.

(n) "Perimssible" means a device, apparatus, equipment, machinery or explosives listed by the United States Bureau of Mines as having met its requirements.

(2) Except as the context otherwise requires, this chapter applies only to commercial coal mines.

§ 2. Section 351.060 of the Kentucky Revised Statutes is amended to read as follows:

§ 351.060 The Chief of the Department of Mines and Minerals shall be a male citizen of Kentucky with at least fifteen years mining experience, ten years of which shall have

been in and about the mines of this state. He shall be thoroughly familiar with all methods of safety pertaining to the operation of mines, including the methods used in locating oil and gas wells when drilled through any coal seam and the proper manner of drilling and plugging oil and gas wells.

§ 3. Section 351.090 of the Kentucky Revised Statutes is amended to read as follows:

§ 351.090 (1) The Governor shall appoint for a term of four years no more than twenty-five district mine inspectors, one of whom shall be designated as an electrical district mine inspector, and not more than eight inspectors of mine weights.

(2) All district mine inspectors and inspectors of mine weights shall have a thorough knowledge of first aid and mine rescue and be able to instruct in first aid and mine rescue, shall possess thoroughly the knowledge required of the chief of the department by subsection (2) of KRS 351.060, and shall have a thorough practical knowledge of mining gained by at least ten years' experience in and about coal mines, at least five of which must have been in and about mines in this state.

(3) No person shall be appointed to the office of district mine inspector until he has passed a satisfactory examination before the Board of Examiners. The Chief of the Department of Mines and Minerals may recommend to the Governor applicants for district mine inspector who have successfully passed the examination and are proved by worth, training and experience to be the most competent of the applicants.

(4) District mine inspectors and inspectors of mine weights shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine.

(5) Each district mine inspector and each inspector of mine weights shall receive a salary of not less than three thousand six hundred dollars nor more than four thousand two hundred dollars per annum, payable monthly, and shall be paid their necessary traveling and other expenses incurred on account of and when engaged in the discharge of their official duties. Salaries shall be determined by the chief of

the Department and approved by the Governor, and shall be based on the ability and experience of the inspector.

(6) Each district mine inspector and inspector of mine weights shall take oath, which shall be certified by the officer administering it. The oath, in writing, and the certificate shall be filed in the office of the Secretary of State.

(7) Each district mine inspector and inspector of mine weights shall give bond with surety approved by the Governor.

§ 4. Section 351.100 of the Kentucky Revised Statutes is amended to read as follows:

§ 351.100 (1) The Board of Examiners for the certification of district mine inspectors, mine foremen and fire bosses shall consist of the following members:

(a) The Chief of the Department of Mines and Minerals:

(b) Any two district mine inspectors, the selection of whom is optional with the Chief, who may select them alternately or oherwise:

(c) One miner who has had at least seven years of practical experience in the mining of coal, four years of which have been in the mines of this state, and who actually is employed in mining coal at the time of appointment; and

(d) One operator who at the time of his appointment is actually engaged in operating a coal mine in this state.

(2) Each member of the board except the chief shall be recommended by the chief and appointed by the Governor for a term of four years.

(3) The Chief of the Department of Mines and Minerals shall be chairman of the board and whenever it is necessary for him to be absent from any meeting of the board he may designate any other member to preside during his absence. A majority of the members shall constitute a quorum, with authority to transact business, hold examinations and issue certificates. The chairman shall keep a record of all proceedings of the board, including the names and addresses of persons who have been granted certificates and of those who have failed to pass the examination.

§ 5. Section 351.120 of the Kentucky Revised Statutes is amended to read as follows:

§ 351.120. (1) The Board of Examiners shall issue a certificate to each person who possesses the qualifications required by law for district mine inspector, mine foreman or fire boss, has passed the examination given by the board for that position and meets the requirements of subsection (6) of this section.

(2) The certificate shall be in such form as the chief of the department prescribes, shall be signed by the members of the Board of Examiners, and shall show that the holder has passed the required examination and possesses the qualifications required by law for district mine inspector, mine foreman or fire boss and is authorized to act as such.

(3) Certificates issued to mine foremen shall be classified as follows:

(a) First-class certificates, authorizing the holder to act as foreman for all classes of coal mines;

(b) Second-class certificates, authorizing the holder to act as foreman for any nongaseous coal mine; and

(c) Third-class certificates, authorizing the holder to act as foreman for any nongaseous coal mine in which not more than twenty-five persons are employed at one time.

(4) Any mine foreman holding a certificate of the first class may act as fire boss, and any regularly employed fire boss may act in an emergency as a mine foreman holding a first-class certificate.

(5) The class of mine foreman's certificate awarded shall be determined by the Board of Examiners according to the nature of the examination taken by the applicant.

(6) In addition to all other requirements as provided for herein or as may be required by the Board of Examiners, no cetrificate shall be granted to any mine foreman unless he shall have such knowledge of fire damp and other dangerous gases as to be able to detect the same with the use of safety lamps, and shall have a practical knowledge of the subject of ventilation of mines and the machinery and appliances used for that purpose, and shall be a person with at least five year's experience in mines in liberating explosive

gases. No certificate shall be granted to any person who does not present to the Board of Examiners satisfactory evidence, in the form of affidavits made by well known and responsible persons in the locality from which he came that the applicant is a man of sobriety and good moral character and that he has had at least five years' practical experience at and in coal mines or to any person who is not either a bona fide resident of this state or employed at a mine in this state.

(7) Persons possessing certificates of qualification to act as district mine inspector mine foreman or fire boss prior to July 12, 1934, are not affected by this section.

§ 6. Section 351.140 of the Kentucky Revised Statutes is amended to read as follows:

§ 351.140 Each mine inspector shall give his entire time and attention to the duties of his office which shall consist of the following:

(1) Inspecting coal mines and aiding under the direction of the chief of the department in carrying out and enforcing the provisions of the laws relating to the inspection of coal mines;

(2) Training officials and workmen in and about the mines in first aid and mine rescue methods;

(3) Advising officials and workmen in methods pertaining to safety in all its phases and in methods pertaining to the prevention of mine fires and explosions;

(4) Taking charge of mine rescue and recovery work whenever a mine fire, mine explosion or other serious accident occurs within his district, and the chief is not present, and assisting in such work in other districts when so directed by the chief;

(5) Reopening mines or portions of mines that have been sealed on account of fire or any other cause, when called upon by the owner or operator and directed by the chief to do so; and

(6) Inspecting each mine in his district at least once every three months, or oftener if practicable and, wherever any danger to the workmen may exist, making a personal examination of the interior of each mine with respect to ventilation, drainage, timbering, blasting, electricity and

general security, and also a personal examination of the outside of the mine.

§ 7. Section 351.150 of the Kentucky Revised Statutes is amended to read as follows:

§ 351.150 Each district mine inspector shall each week report in writing to the chief of the department the number and condition of all mines inspected by him during the week.

Each mine inspector shall each week deliver to the chief of the department a written report showing the condition of each mine inspected by him, and at the same time, shall deliver a copy of such report to the operator or the superintendent of each mine inspected and another copy thereof to the mine committee at such mine so inspected; and at the same time each mine inspector shall post a copy of such inspection report on a bulletin board at a prominent place of the operating company or mine where it may conveniently be read by any of the mine employees, which copy, so posted, shall remain posted until a subsequent inspection report is issued by the mine inspector.

Each district mine inspector shall, within fifteen days after the close of each calendar year, file with the chief a report of his proceedings during the calendar year and give such information concerning the mines and mining conditions in his district as is appropriate and required by the chief.

§ 8. Section 351.160 of the Kentucky Revised Statutes is amended to read as follows:

§ 351.160 (1) The Chief of the Department shall annually make a report to the Governor of his proceedings during the preceding calendar year. The annual report shall be prepared and printed as soon as possible within the four months after the close of the calendar year. The annual report shall cover the complete operation of the coal mines in this state during the preceding calendar year, enumerating all accidents occurring in or about any such mine during that year, and giving such other information as the chief deems useful, and making such suggestions as he deems important as to further legislation on the subject of mining.

(2) The Chief shall keep and index a permanent record of all inspections made by himself and of all reports relating

to inspection of mines furnished to him by district mine inspectors. All such records of the department of mines shall be public records and shall, at all times, be open to the inspection of the public, and shall be laid before the governor of the state upon his request at any time.

The department of mines shall furnish certified copies of any such records, when requested to do so upon payment of such fee as is generally charged by courts of record for certified copies. Such fee shall be paid into the treasury of the state.

§ 9. Section 352.020 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.020 (1) The ventilation of all coal mines at which five or more men are employed shall be produced by means of mechanically operated fans located outside the mine, and which fans shall run continuously day and night and shall be inspected at least daily. A recording pressure gauge shall be maintained in connection with each fan at all times. Mines at which less than five men are employed shall be ventilated by means approved by the Department of Mines and Minerals. Use of an inside booster fan, even temporarily, for the ventilation of any portion of an operating mine is specifically prohibited.

(2) The operator, superintendent or foreman of every coal mine worked by shaft, slope or drift shall provide and maintain for every mine adequate ventilation affording at least 150 cubic feet of air per minute for each person employed in the mine and at least 200 cubic feet of air per minute for each animal working in the mine, unless the mine liberates explosive gas, in which case he shall provide at least 200 cubic feet of air per minute for each person and 300 cubic feet of air per minute for each animal, and as much more air as the district inspector deems necessary. The air shall be coursed so that main and intermediate haulage roads will be in intake air and circulated around the main headings, cross headings, room headings and working places to such an extent as to dilute, render harmless and carry off any noxious or dangerous gases.

(3) As working places advance, breakthroughs for air shall be made sixty feet apart. If any breakthroughs between intake and return airways are not required for the passage of air, they shall be closed with stoppings. All stoppings shall be substantially built with noncombustible materials of a permanent nature, subject to the approval of the district mine inspector, so as to keep the working places well ventilated. Doors on main haulways shall be avoided in gaseous mines where practicable, and overcasts, which shall be built of concrete or other suitable and noncombustible material and of ample strength, shall be adopted. Where doors are used they shall be built in a substantial manner, and shall be hung so as to close automatically when unobstructed.

(4) Where splitting the air is necessary, overcast of noncumbustible material of a permanent nature shall be used, wherever possible. When it is not possible to use an overcast and trap doors must be used, double doors shall be used to form an air lock to prevent loss of circulation and to avoid short circuiting ventilation.

§ 9a. Section 352.030 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.030. (1) Not more than sixty persons may work in the same air current or split. Every mine, and all portions thereof, shall be ventilated by one or more currents of air, which shall contain not less than twenty per cent of oxygen, nor more than one per cent of carbon dioxide, nor more than five one-hundredths per cent of inflammable gas, nor any harmful amount of poisonous gas or dust, when the current of air enters into each split. Such ventilation shall likewise have a volume of not less than six thousand cubic feet per minute at the last breakthrough of each entry (or each working place if required) and as much more as may be required by the department of mines, while being circulated around main headings, cross-headings and working places. In any event, the ventilation shall be sufficient to prevent methane accumulations, and to keep the methane percentage in the main return and in the split returns to not more than one-half of one per cent.

The ventilating current shall be circulated through the haulageways, travelways and airways so as to reach all portions of the mine, except sealed sections; and it shall be circulated through the entries and rooms, around the ends of line brattice and along pillar lines. It shall be conducted to the last breakthrough, or to the working faces if required, by means of such stoppings, check doors, curtains and brattice as may be necessary or required, in order to dilute, render harmless and carry away the noxious and dangerous gases, smoke and dust liberated therein, and to supply a sufficient quantity of ventilation for all emergencies.

The foreman shall once every two weeks direct and see that the methane content of the ventilating current is determined by analyses, or by permissible methane-indicating detectors. The samples shall be taken in representative working places and in split returns (just beyond the last working place) and in the main returns from the mine, and when men are at work. A record shall be kept of the analysis of all samples; and a report of this record shall be submitted to the department through the district mine inspector. When samples are taken in moving air currents, air measurements must also be taken and submitted with the report.

When mine ventilation, formerly satisfactory and adequate, becomes deficient in quality or quantity, the department of mines shall have authority to order improvement of the ventilation.

(2) No operator, superintendent or mine foreman shall permit any person to work at a place where sufficient ventilation cannot be maintained, except persons employed to make the places of employment safe in compliance with the requirements of this chapter, and while repair work necessary to comply with the requirements is in progress no person shall be permitted to enter that part of the mine affected except those actually employed in doing the repair work. Such repair work shall be done under the constant supervision of an official designated by the mine foreman.

(3) If any accident occurs to the ventilating fan or its machinery, so that the ventilation of the mine will be seriously interrupted, the mine foreman shall order the men to withdraw immediately from the mine, and shall not allow

them to return until the ventilation has been restored and the mine thoroughly examined by him, or by an assistant mine foreman or fire boss, and reported safe.

§ 10. Section 352.060 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.060 (1) Every mine shall be kept in a clean orderly condition, as far as practible, so that dangerous accumulations or unusual quantities of coal dust on the floors or sides of working places, haulageways and travelways are substantially minimized. Tipples shall likewise be reasonably free of such accumulations of coal dust. It shall be the duty of the certified officials to prevent any hazardous accumulations of coal dust, inside or outside the mine.

Fine coal dust shall be made thoroughly wet or rockdusted before being loaded from haulageways or tipples. If machine-cuttings are of a character which would contribute to an explosion, these shall likewise be loaded out.

(2) Coal dust in suspension in visible quantities shall be allayed at its source. Inside sprinkling systems shall therefore be installed at working faces, loading heads and dumping points, on haulageways and in all places where coal dust is in suspension or is continually being made. Sprinkling shall also be used on cutter bars of cutting machines, and where coal is in the course of being loaded by conveyor, mechanical loading or hand loading.

Coal dust in tipples and at outside dumping points shall be kept out of suspension by sprinkling or other dust-allaying devices; and coal dust from such tipples or dumps shall not be carried into mines on intake air.

(3) The following rules shall govern in the rock dusting of mines:

(a) Rockdust shall be used in all mines to render coal dust nonexplosive where it has accumulated on floors, ribs or sides, roof and timbers;

(b) Rock dust shall be utilized at working places inby the last breakthrough, along haulageways and air courses, and in abandoned places;

(c) Sufficient rock dust shall be applied in every mine to maintain at all times a minimum percentage of sixty-five

per cent of incombustible matter and as much more as may be required by instruction or regulation;

(d) The maximum percentage of silica in rock dust shall not be more than one per cent;

(e) The particle size of proper rock dust shall be such that all of the dust shall past through a sieve having twenty meshes per linear inch, and sixty per cent or more will pass through a sieve having two hundred meshes per linear inch;

(f) Ample supplies of rock dust for fire-fighting purposes shall be available at all combustible doors;

(g) At least one-half ton of rock dust shall be kept where grease or oil is stored or used in quantities inside a mine.

§ 10a. Section 352.220 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.220 (1) On all haulage roads, landings and partings, where men are required to regularly work or pass under bare power wires, placed less than six and one-half feet above the top of the rail, suitable protection shall be provided. This protection shall consist of channeling the roof, placing boards along the wires and extending below them, or the use of some other approved device that affords protection. All bare power wires at mantrip stations shall be adequately guarded for the full length of the mantrip; in addition, suitable cut-out switches shall be provided at these stations to remove the power from the wire or wires while men are loading or unloading.

(2) Power wires, whether bare or insulated, shall be supported on or by well designed and installed insulators, and shall not contact combustible materials, roof, or ribs. In gaseous mines power connections in the working places shall be made in permissible junctions or distribution boxes.

(3) When power wires are carried in the same entry as the trolley wire, they shall be placed on the same side as the trolley wire, between the trolley wire and rib, and shall be protected from contact therewith. Positive feed wires crossing places where persons or animals are required to travel shall be safely guarded or protected from such persons or animals coming in contact therewith, as provided in subsection (1).

(4) All trolley and positive feed wires shall be placed on opposite sides of track from refuge holes or necks of room, but wires when protected as provided for in subsection (1), may be placed across the necks of rooms. The main power circuits at the mine shall be protected against overload with circuit-breaking devices of the correct type and capacity. In no case shall these circuit-breaking devices be set so that the circuits can be overloaded. All electrical equipment shall be protected against excessive overload by fuses or equivalent protection devices of the correct type and capacity. The size of all power conductors shall be of ample current-carrying capacity for the intended load. If the track is used as a power conductor, both rails shall be well bonded at each joint and cross-bonded at least every 200 feet. Trolley wires shall be supported adequately on insulated hangers spaced not more than 30 feet apart and at least 6 inches outside the rail. Sectionalizing switches shall be installed in the underground trolley and feed lines at intervals not to exceed 1,500 feet on both the main and branch lines, and at the entrance to each branch circuit. The ends of trolley and feed wires shall be securely anchored and properly insulated, and they shall not extend beyond the last open breakthrough and shall not extend beyond a point 150 feet from the end of pillars or any open and partly caved places where there is a likelihood that gas may be liberated in dangerous quantities.

(5) All power wires in shafts, boreholes, and underground passageways shall be located in intake air and shall be adequate for the service intended, installed in a permanent manner and guarded from mechanical injury.

(6) Grounding. The metallic frames and casings of all electrical equipment that can become "alive" through failure of insulation or by contact with energized parts shall be effectively grounded. The metallic coverings and armour of cables and conduit shall be grounded and shall be electrically continuous to afford a good conducting path for the ground circuit.

§ 10b. Section 352.230 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.230. (1) In gaseous mines only permissible electrical equipment shall be operated in by the first open

crosscut between entries or rooms, or in air that has ventilated one or more working places. However, if open-type non-permissible electrical equipment is in use, all possible safety precautions shall be taken as provided in subsections (2), (3), (4) and (5). When necessary to replace or add to non-permissible equipment, the relacement or addition shall be of the permissible type.

(2) No person shall be placed in charge of electrical equipment that is operated at or near the working face in any gaseous mine unless he is a competent person, capable of determining the safety of the roof and sides of the working places and detecting the presence of explosive gas. Machine runners shall undergo an examination to determine their fitness to detect explosive gas before they are permitted to have charge of machines in mines liberating gas, unless accompanied by a certified official, or a machine runner or helper having passed such an examination. The examination shall be given by the mine foreman and approved by the district mine inspector, blank forms therefor to be furnished by the department. A copy shall be retained on file at the mine office and the original shall be sent to the department fully made out and signed by the machine runner and the mine foreman and approved by the district mine inspector.

(3) In any gaseous mine, no electrical equipment shall be taken past the last breakthrough next to the working face or operated in the face region until the place has been examined for gas by a certified official or some other competent person authorized and appointed for that purpose by the foreman. If any explosive gas is found in the place the equipment shall not be taken into or operated in such place until the gas is removed.

(4) In working places where gas is likely to be encountered a permissible flame safety lamp, or other permissible apparatus approved for the detection of mathine, shall be provided for use with each machine when working, and if any indication of gas appears on the safety lamp or other apparatus used for detection of gas the person in charge shall immediately stop the equipment, cut off the current at the nearest switch and report the matter to the mine foreman or fire boss, and the electrical equipment shall not again

be started in that place until the mine foreman, the fire boss or a person duly authorized by either has examined it and pronounced it safe. All mobile electrical equipment operated at or near the face regions in gaseous mines shall be provided with a box specially designed for carrying safety lamps.

(5) No electrical equipment shall be operated in a gaseous mine for a longer period than ten minutes without an examination being made for gas in the manner described in this section, and if gas is found the current shall at once be switched off the equipment and the trailing cable shall be immediately disconnected from the power supply.

§ 11. Section 352.240 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.240 (1) No employee shall take into any mine a larger amount of explosives than he may reasonably expect to use in any one shift and all explosives shall be carried into the mine in an approved rigid insulated or nonconductive receptacle of a capacity not to exceed one shift's supply, and properly closed with an approved top.

(2) No shots shall be fired in any place known to liberate explosive gas until the place has been properly examined by a competent person designated for that purpose, and no shots shall be fired in any place where gas is detected until the gas has been removed by means of ventilation. After firing any shot no workman shall return to the working place until the smoke has cleared away, and before starting to work he shall make a careful examination as to the condition of the roof and do what is necessary to make the place safe before beginning to load coal, slate or refuse.

(3) Permissible explosives, or permissible blasting devices, charged and fired in a permissible manner shall be used exclusively in all coal mines, except in strip mining operations, for blasting coal and rock and no keg or black powder shall be used in any mine. Every blasting hole shall be tamped with at least 24 inches of incombustible stemming, or one-half the length of the hole shall be filled with stemming if the hole is less than 4 feet in depth.

(4) Blasting cables used for firing shots shall be well insulated, at least 100 feet in length; kept shunted at the battery end until ready to attach the blasting unit; staggered

as to length or kept separated at the detonator end, to prevent short circuit; wound up after each shot or supported on timbers or rib; and kept away from track, power wires, and other possible sources of active or stray electric currents.

(5) No explosives or detonators shall be hauled on any trip operated by electric haulage motors unless they are enclosed in nonconducting boxes, containers or cars approved by the district mine inspector and the chief of the department.

(6) Trips hauling explosives shall not carry workmen other than those operating the trip, and explosives shall not be hauled into or out of the mine within five minutes preceding or following any trips in which men are handled. When traveling with the air current, the explosive trip shall precede the man trip; when traveling against the air current, the man trip shall precede.

(7) If a safer method of transporting and handling explosive or detonators is made available after proper and sufficient tests and experiments, the chief may approve the method, and that method may be used in lieu of the methods provided in this section.

§ 11a. Section 352.260 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.260 (1) In gaseous mines the operator shall employ competent persons as shot firers to prepare, charge and fire all shots.

(2) The department may require the operator to employ competent persons as shot firers in nongaseous mines to prepare, charge and fire the shots.

(3) Shot firers shall at all times be under the direction of the mine foreman.

(4) The district inspector, with the approval of the chief, shall prescribe the conditions under which solid shooting may be done in any mine.

§ 12. Section 352.280 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.280. In all gaseous mines the operator or superintendent shall employ one or more fire bosses holding fire boss certificates.

It shall be the duty of the fire boss or bosses, where employed in such gaseous mines, to examine carefully, within three hours before the time each shift enters the mine, every working place, all places adjacent to live workings, every roadway, every unfenced road to abandoned workings and all falls in the mine.

It shall be the duty of such fire boss or bosses to prepare a danger signal with red color at the mine entrance, and no person except the mine owner, operator or agent, and only then in case of necessity, shall pass beyond this danger signal until the mine has been examined by the fire boss and the same or certain parts thereof reported by him to be safe.

Before proceeding with the examination he shall see that the air current is traveling its proper course. In making the examination he shall use a permissible safety lamp. The fire boss shall examine for all dangers in all portions of the mine under his charge, and after examination he shall leave at the face of every place examined by plainly marking on a board at the face for that purpose, the date of the examination, as evidence that he has performed that portion of his duty. He shall also examine the entrance to all worked-out and abandoned portions adjacent to the roadways and working places under his charge where explosive gas is likely to accumulate and shall place a red danger signal across the entrance to every place where explosive gas is discovered or where immediate danger is found to exist from any other cause; and it shall be the further duty of each fire boss to do, or cause to be done, whatever may be necessary to remove from such working place or places all dangerous or noxious gases or other dangerous conditions, and make the same safe for persons to enter therein as workmen. The danger signal aforesaid shall be sufficient warning for persons not to enter.

When the mine is safe, the fire boss shall remove, or cause to be removed the danger signal at the mine entrance, and change, or cause to be changed, the color thereof to safety, in order that the employees may enter such mine and begin work.

In the performance of the duties devolving upon the fire bosses, they shall have no superior officers, but all the employees working inside of such mine or mines shall be subordinate to them in their particular work.

It shall be unlawful for any person to enter such mine or mines for any purpose at the beginning of work upon each shift therein until such signal or warning has been given by the fire boss or bosses on the outside of the mine or mines as to the safety thereof, as by statute provided, except under the direction of the fire boss or bosses, and then for the purpose of assisting in making the mine safe. Each person who shall enter such mine, except as aforesaid, before such notice or signal has been given, or any operator, agent or fire boss who shall violate the provision hereof shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars nor more than two hundred dollars, in the discretion of the court.

§ 13. Section 352.290 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.290 A suitable record book shall be kept at the mine office of every mine wherein fire bosses are employed, and immediately after the examination of the mine or any portion thereof, by a fire boss, he shall enter and sign a record of the examination in the book with ink or indelible pencil. The record shall clearly show the time taken in making the examination, the nature and location of any danger discovered in the mine and what has been done to correct such dangerous conditions. If any danger is discovered, the fire boss shall immediately report its location to the mine foreman, or in his absence to the assistant mine foreman in charge, who shall report to the mine foreman. When a station is located inside a mine the fire boss shall enter and sign a report both in the record book kept there and in a record book in the mine office on the surface. The record books of the fire bosses shall at all times during working hours be accessible to the district mine inspector. Each fire boss shall furnish the district mine inspector, once each week, a copy of such records which the district mine inspector shall preserve. Failure of the fire boss to furnish such copy

to the district mine inspector, as aforesaid, shall subject the fire boss to the penalties provided in sections 352.280 and 352.310 of the Kentucky Revised Statutes.

§ 14. Section 352.300 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.300. (1) The mine foreman and the fire boss shall, at or near the main entrance to the mine, provide a permanent station with a proper danger signal, designated by suitable letters and colors placed thereon and, if the working portions are one mile or more from the entrance to the mine or from the bottom of the shaft or slope, a station of suitable dimensions for the use of the fire boss may be erected by the mine foreman in a location approved by the district inspector.

(2) No person shall pass beyond the station and danger signal until the mine has been examined by a fire boss and the mine or portions of it beyond the station and danger signal reported by him to be safe.

(3) The fire boss shall not allow any other person to enter or remain in any portion of the mine through which a dangerous accumulation of gas is being passed into the ventilating current from any portion of the mine. He shall report to the mine foreman at once any violations of sections 352.280 to 352.310.

(4) No person except a fire boss shall pass or remove or cause to be removed any such danger signal before the mine has been examined and reported to be safe.

(5) No person shall pass or remove any such danger signal without permission from the fire boss.

(6) If any mine foreman has knowledge of a violation of subsection (4) or (5), he shall immediately notify the operator or superintendent, who shall notify the district mine inspector, in writing. The district mine inspector shall then immediately institute proceedings against the offender.

§ 15. Section 352.310 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.310 Any fire boss who fails to perform his duties, or who makes a false report of the condition of any place in the portion of the mine allotted to him for examination,

or who violates any of the provisions of section 352.280 of the Kentucky Revised Statutes, shall be suspended by the mine foreman, and his name shall be given to the district mine inspector for prosecution. If he is found guilty of any of the foregoing, he shall return his cetrificate of qualifications as fire boss to the Department of Mines and Minerals and his certificate shall be nullified and cancelled.

§ 16. Section 352.320 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.320 (1) Where three or more persons are employed in a commercial coal mine in a period of twenty-four hours, the operator shall employ a certified mine foreman therein to properly carry out the plans and rules when approved by the chief of the department and to see that the mining law is complied with. If explosive gas can be detected with a permissible flame safety lamp, the operator shall employ a mine foreman of the first class. If explosive gas is not present, the operator may employ a mine foreman of the second class.

(2) When the mine workings become so extensive that the mine foreman is unable personally to carry out the duties required of him by law, the operator or superintendent shall employ a sufficient number of persons having had at least three years' experience in coal mines to act as assistants to the mine foreman, and under his instructions. The mine foreman shall be responsible for their conduct in the discharge of their duties.

§ 17. Section 352.400 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.400 (1) The operator of any mine and the mine safety committee at such mine, by joint action, may adopt special rules consistent with Chapters 351 and 352 for the government and operation of said mine and covering all the work pertaining thereto in and out of the mine. Before the rules are put into effect, they shall be submitted in writing, jointly, by the operator and the mine safety committee for the particular mine involved, to the department of mines for written approval by the chief of the department. When so adopted and approved, the rules shall be printed on card-

board in the language spoken by seventy-five per cent or more of the employees at the mine, and shall be posted on a bulletin board or some other conspicuous place about the mine where they may be seen by the employees at the mine. When the rules are so adopted, approved and posted, all employees at the mine shall be deemed to have notice thereof, and to have agreed thereto, and they shall obey the rules.

(2) The mine rules shall be printed in a form prescribed by the chief of the department.

(3) Each mine operator, when requested by an employee, shall furnish him a copy of the mine rules without cost.

§ 18. Section 352.430 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.430 (1) The operator or superintendent of every coal mine shall furnish the district mine inspector proper facilities for entering the mine and making examinations or obtaining information.

(2) The chief of mines shall, if he deems it necessary for the protection of the lives and health of the persons employed in any mine, close any mine deemed by him in an unsafe condition; in which event the provisions for a hearing before the chief of mines and for appeal hereinafter provided for, shall be applicable.

(3) If an inspector discovers that any mine does not, in respect to appliances for the safety of those employed therein, conform to the provisions of chapters 351 and 352, or that by reason of any defect or practice in or at such mine or by reason of general carelessness, the lives or health of those employed therein may be endangered, he shall immediately notify such operator or superintendent thereof in writing, stating in such notice the particulars in which he considers such mine to be defective or dangerous. If said inspector deems it necessary for the protection of the lives and health of those employed in such mine, he shall notify forthwith the chief of the department; and if, in the opinion of the inspector, the mine is in fact in an unsafe condition, the inspector shall order the mine to be closed until it is placed in a safe and proper condition for mining operation.

From any such decision or action by the inspector, an appeal may be taken by the operator to the chief of the department, but the mine shall remain closed pending such an appeal. If such appeal is taken, the chief shall forthwith summon the operator, superintendent and the inspector to discuss at the mine the unsafe practices, defects, or unhealthful or careless conditions in the mine and, if the chief determines that for the safety and health of the employees the mine should remain closed, he shall order the mine to remain closed until it is placed in a safe and proper condition for mining operations; but in the event the chief determines that a mine should not have been closed by the inspector, he shall forthwith order it to be reopened.

(4) If the chief orders the mine to remain closed until it is placed in a safe and proper condition for mining operations, the owner or operator of such mine may, by petition, apply to the circuit court of the county where the mine is located, or to the judge thereof in vacation, for an order directing the mine to be reopened, and the court or judge shall immediately hear and determine the matters arising upon the petition. If, upon full hearing thereof, the court or judge is of the opinion that the facts adduced are such as to warrant the chief's order, the prayer of the petition shall be denied; but if the court or judge is of a contrary opinion as to the facts, then the prayer of the petition shall be granted.

(5) Notice of the hearing shall be given to the district mine inspector and the chief of the department at least three days before the hearing, and in all such hearings the Attorney-General, the Commonwealth's Attorney or the county attorney of the circuit court district or county in which the mine is situated shall appear for the state and defend the action.

Mr. Brown offered the following amendment thereto by way of Substitute therefor, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 351.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Chief" means Chief of the Department of Mines and Minerals.

(b) "Commercial mine" means any coal mine from which coal is mined for sale or exchange.

(c) "Department" means the Department of Mines and Minerals.

(d) "Drift" means an opening through the strata, with opening grades such as to permit coal to be hauled by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with the mining of coal.

(e) "Gaseous mine" means a mine in which the percentage of explosive gas exceeds one-half of one percent at the return of any one split of a dusty mine, or three-fourths of one percent at the return of any one split if a non-dusty mine.

"Non-gaseous Mine" means any mine not classified as a gaseous mine.

(f) "Mine" means a group or system of shafts, slopes, drifts or inclined planes connected by one general system of mine railroads over which coal may be delivered to one or more points outside the mine, and connected with excavations that penetrate coal strata and are ventilated by one general air current or divisions thereof.

(g) "Mine foreman" means the person whom the operator or superintendent placed in charge of the workings of the mine and of persons employed therein.

(h) "Operator" means an individual, firm or corporation operating a coal mine or any part thereof.

(i) "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal, for the purpose of ventilation or drainage, or for hoisting men, coal or materials.

(j) "Slope" means an inclined opening used for the same purpose as a shaft.

(k) "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines.

(l) "Approved" means a device, apparatus, equipment, machinery or practice approved by the Chief of the Department of Mines and Minerals.

(2) Except as the context otherwise requires, this chapter applies only to commercial coal mines.

Sec. 2. Section 351.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Governor shall appoint for a term of four years not more than twenty-five district mine inspectors, one of whom shall be designated as an electrical district mine inspector, and not more than eight inspectors of mine weights.

(2) All district mine inspectors and inspectors of mine weights shall have a thorough knowledge of first aid and mine rescue and be able to instruct in first aid and mine rescue, shall possess thoroughly the knowledge required of the chief of the department by KRS 351.060, and shall have a thorough practical knowledge of mining gained by at least ten years' experience in and about coal mines, at least five of which must have been in and about mines in this state.

(3) No person shall be appointed to the office of district mine inspector until he has passed a satisfactory examination before the Board of Examiners. The Chief of the Department of Mines and Minerals may recommend to the Governor applicants for district mine inspector who have successfully passed the examination and are proved by worth, training and experience to be the most competent of the applicants.

(4) District mine inspectors and inspectors of mine weights shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine.

(5) Each district mine inspector and each inspector of mine weights shall receive a salary of not more than four thousand two hundred dollars per annum, payable monthly, and shall be paid their necessary traveling and other expenses incurred on account of and when engaged in the discharge

of their official duties. Salaries shall be determined by the chief of the department and approved by the Governor, and shall be based on the ability and experience of the inspector.

(6) Each district mine inspector and inspector of mine weights shall take oath which shall be certified by the officer administering it. The oath, in writing, and the certificate shall be filed in the Office of the Secretary of State.

(7) Each district mine inspector and inspector of mine weights shall give bond with surety approved by the Governor.

Sec. 3. Section 351.140 of the Kentucky Revised Statutes is amended to read as follows:

Each mine inspector shall give his entire time and attention to the duties of his office, which shall consist of the following:

(1) Inspecting coal mines and aiding under the direction of the chief of the department in carrying out and enforcing the provisions of the laws relating to the inspection of coal mines:

(2) Training officials and workmen in and about the mines in first aid and mine rescue methods:

(3) Advising officials and workmen in methods pertaining to safety in all its phases and in methods pertaining to the prevention of mine fires and explosions:

(4) Taking charge of mine rescue and recovery work whenever a mine fire, mine explosion or other serious accident occurs within his district, and the chief is not present, and assisting in such work in other districts when so directed by the chief:

(5) Reopening mines or portions of mines that have been sealed on account of fire or any other cause, when called upon by the owner or operator and directed by the chief to do so; and

(6) Inspection each mine in his district at least once every three months, or oftener, if practicable, and, wherever any danger to the workmen may exist, making a personal examination of the interior of each mine with respect to ventilation, drainage, timbering, blasting, electricity and

general security, and also a personal examination of the outside of the mine.

Sec. 4. Section 351.150 of the Kentucky Revised Statutes is amended to read as follows:

Each district mine inspector shall each week report in writing to the chief of the department the number and condition of all mines inspected by him during the week.

Each mine inspector shall each week deliver to the chief of the department a written report showing the condition of each mine inspected by him and, at the same time, shall deliver a copy of such report to the operator or the superintendent of each mine inspected and another copy thereof to the mine committee at such mine so inspected; and at the same time each mine inspector shall post a copy of such inspection report on a bulletin board at a prominent place of the operating company or mine where it may conveniently be read by any of the mine employes.

Each district mine inspector shall, within fifteen days after the close of each calendar year, file with the chief a report of his proceedings during the calendar year and give such information concerning the mines and mining conditions in his district as is appropriate and required by the chief.

Sec. 5. Section 351.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The chief of the department shall annually make a report to the Governor of his proceedings during the preceding calendar year. The annual report shall be prepared and printed as soon as possible within the four months after the close of the calendar year. The annual report shall cover the complete operation of the coal mines in this state during the preceding calendar year enumerating all accidents occurring in or about any such mine during that year, and giving such other information as the chief deems useful, and making such suggestions as he deems important as to further legislation on the subject of mining.

(2) The chief shall keep and index a permanent record of all inspections made by himself and of all reports relating to inspection of mines furnished to him by district mine inspectors. All such records of the department of mines shall

be public records and shall, at all times, be open to the inspection of the public, and shall be laid before the Governor of the state upon his request at any time.

The department of mines shall furnish certified copies of any such records, when requested to do so upon payment of such fee as is generally charged by courts of record for certified copies. Such fees shall be paid upon the treasury of the state.

§ 6. Section 352.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) As many as sixty persons may work in the same air current or split, and with the approval of the district mine inspector and the Chief of the Department as many as eighty persons may work in the same air current. Every mine, and all portions thereof, shall be ventilated by one or more currents of air, which shall contain not less than twenty percent of oxygen, nor more than one percent of carbon dioxide, nor more than five one hundredths percent of inflammable gas, nor any harmful amount of poisonous gas or dust, when the current of air enters into each split. In any event, the ventilation shall be sufficient to prevent methane accumulations, and to keep the methane percentage in the return of any split to not more than one half of one percent in a dusty mine and not more than three-fourths of one percent in a nondusty mine.

The ventilating current shall be circulated through the haulageways, travelways and airways so as to reach all portions of the mine, except sealed sections; and it shall be circulated through the entries and rooms, around the ends of line brattice and along pillar lines. It shall be conducted to the last breakthrough, or to the working faces if required, by means of such stoppings, check doors, curtains and brattice as may be necessary or required, in order to dilute, render harmless and carry away the noxious and dangerous gases, smoke and dust liberated therein, and to supply a sufficient quantity of ventilation for all emergencies.

When mine ventilation, formerly satisfactory and adequate, becomes deficient in quality or quantity, the Depart-

ment of Mines and Minerals shall have authority to order improvement of the ventilation.

(2) No operator, superintendent or mine foreman shall permit any person to work at a place where sufficient ventilation cannot be maintained, except persons employed to make the places of employment safe in compliance with the requirements of this chapter, and while repair work is necessary to comply with the requirements is in progress no person shall be permitted to enter that part of the mine affected except those actually employed in doing the repair work. Such repair work shall be done under the constant supervision of an official designated by the mine foreman.

(3) If any accident occurs to the ventilating fan or its machinery, so that the ventilation of the mine will be seriously interrupted, the mine foreman shall order the men to withdraw immediately from the mine, and shall not allow them to return until the ventilation has been restored and the mine thoroughly examined by him or by an assistant mine foreman or fire boss, and reported safe.

§ 7. Section 352.060 of the Kentucky Revised Statutes is amended to read as follows:

The following rules shall govern in the rock dusting of mines:

(a) Any mine or mines classified by the Department as "gaseous" shall be rock-dusted.

(b) All non-gaseous dry mines, or parts of mines, or sections thereof, shall be rock-dusted if conditions are found to be dusty or hazardous, after proper inspection. In event such conditions are found to exist then the Chief or his accredited representative shall require the necessary rock dusting to make the mine, part of mine or section safe.

(c) In all mines, accumulations of fine, dry coal dust shall, as far as practicable, be removed from the mine and all dry and dusty operating sections kept thoroughly watered or rock-dusted, or the dust allayed by other methods approved by the Chief of the Department.

§ 8. Section 352.280 of the Kentucky Revised Statutes is amended to read as follows:

In all gaseous mines the operator or superintendent shall employ one or more fire bosses holding fire boss certificates. The fire boss shall examine carefully, three hours before each shift enters the mine, every working place, all places adjacent to live workings, every roadway, every unfenced road to abandoned workings and all falls in the mine. Before proceeding with the examination he shall see that the air current is traveling its proper course. In making the examination he shall use an approved safety lamp. The fire boss shall examine for all dangers in all portions of the mine under his charge and after examination he shall leave at the face of every place examined the date of the examination as evidence that he has performed his duty. He shall also examine the entrances to all worked out and abandoned portions adjacent to the roadways and working places under his charge where explosive gas is likely to accumulate and he shall place a danger signal across the entrance to every place where explosive gas is discovered or where immediate danger is found to exist from any other cause. The signal shall be sufficient warning for persons not to enter.

§ 9. Section 352.290 of the Kentucky Revised Statutes is amended to read as follows:

A suitable record book shall be kept at the mine office of every mine wherein fire bosses are employed, and immediately after the examination of the mine or any portion thereof, by a fire boss, he shall enter and sign a record of the examination in the book with ink or indelible pencil. The record shall clearly show the time taken in making the examination, the nature and location of any danger discovered in the mine and what has been done to correct such dangerous conditions. If any danger is discovered, the fire boss shall immediately report its location to the mine foreman, or in his absence to the assistant mine foreman in charge, who shall report to the mine foreman. When a station is located inside a mine the fire boss shall enter and sign a report both in the record book kept there and in a record book in the mine office on the surface. The record books of the fire bosses shall at all times during working hours be accessible to the district mine inspector. Each fire boss shall furnish the district mine

inspector, once each week, a copy of such records which the district mine inspector shall preserve. Failure of the fire boss to furnish such copy to the district mine inspector, as aforesaid, shall subject the fire boss to the penalties provided in sections 352.280 and 352.310 of the Kentucky Revised Statutes.

Mr. Brown offered the following amendment to said Substitute, viz.:

Amend the Substitute for H. B. 440 by adding thereto Sections 10 and 11, as follows:

Sec. 10. Section 351.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Mines and Minerals shall be headed by the Chief of the Department of Mines and Minerals.

(2) The department shall administer all laws of this state relating to mines.

(3) The Governor shall appoint a board, to be designated "Advisory Board to the Department of Mines and Minerals," to consist of six persons who are residents of the Commonwealth of Kentucky, three of whom shall be coal operators and three of whom shall be coal miners or persons who have had at least five years' experience as coal miners.

Of the six members originally appointed, the Governor shall appoint one coal operator for a term of two years, one for a term of four years and one for a term of six years; and the Governor shall likewise appoint one coal miner or person with at least five years' experience as a coal miner, as aforesaid, for a term of two years, one for a term of four years, and one for a term of six years. Thereafter all appointments shall be for terms of six years. Each appointee shall serve until his successor is appointed and qualified.

The board, so appointed, shall meet at the offices of the Department of Mines and Minerals or at such other places as the board may agree upon, and at such times as the board may designate, provided, however, that such board shall

meet at least once every three months. The Chief shall be ex-officio the secretary of the board and shall keep the record of the official proceedings of the board.

The board, or any of its members in session or out of session, shall have authority and power to examine all records of said department, including all inspection reports, and to investigate and inquire into all matters relating to the enforcement of the mining laws of the Commonwealth of Kentucky; and the board, or any three members thereof, may advise, suggest and make recommendations to the chief of the department or to the general assembly of said Commonwealth, or to both, concerning any or all of such mining laws and their enforcement.

The board shall organize by the election of a chairman, who shall serve for a term of one year and until his successor is elected and qualified.

The members of the board shall perform their services as such, free of charge to the Commonwealth.

Sec. 11. There is hereby appropriated to the Department of Mines and Minerals, out of the General Expenditure Fund, for the purpose of carrying out the provisions of this Act, the sum of $50,000 for each of the fiscal years 1946-1947 and 1947-1948. The sum so appropriated shall be in addition to any other appropriations to the Department of Mines and Minerals.

Said amendment was agreed to.

Mr. Brown offered the following amendment to said Substitute, viz.:

Amend the Substitute for H. B. 440 on page 7 section 7 subsection (c) by striking out the period following the word "Department" and substituting therefor a semi-colon and adding thereafter the following:

"but in every dusty mine, or in any part or section thereof, rock dusting shall be applied to maintain at all times a minimum percentage of 55% of noncombustible matter. The term "dusty mine" shall not include a wet or damp mine;

but the provisions hereof relating to rock dusting shall apply to any dusty part or section of a wet or damp mine."

Said amendment was agreed to.

Said Substitute was then adopted, as amended.

Mr. J. Lee Moore moved the Previous question.

Thereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Adron Doran	B. F. Kincaid
Henry Arrowood	G. I. Drury	Edgar Kitchen
F. O. Baker	Forest C. Easley	Homer E. Losey
Harold L. Barnes	Bernie S. Edlin	A. L. Love
F. H. Bassett, Jr.	R. R. Ernst	H. K. Lowman
Ott Begley	Tom Gilliam	E. J. Lucas
W. G. Biggers	M. B. Gilligan	F. G. Marquette
Jack Bingham	R. M. Hall	E. H. Martin
B. J. Bonn	Harold G. Helm	W. E. McClure
J. C. Bradley	E. R. Hilton	Jack McPherron
John Y. Brown	Clyde S. Howard	Harry L. Moore
Chas. W. Burnley	Maurice Howard	J. L. Moore
Fred Creasey	Paul Jonas	J. Lee Moore
S. J. Daugherty	L. H. Jones	Fred Morgan

E. C. Mullins	J. W. Simmons	Walter L. Trivette
Rodes K. Myers	Luther Slusher	S. J. Wagner
J. C. Newcomb	Forrest Smith	Harry F. Walters
Joe E. Nunn	W. R. Smith	W. W. Webster
Louis T. Peniston	E. A. Spencer	Geo. J. Weining
Sylvester Phillips	Paul J. Stapleton	Morris Weintraub
L. W. Preston	L. S. Stephens	Lawrence Wells
E. F. Prichard	E. L. Thompson	Rodney Whitlow
Hobart Rayburn	Ray G. Tipton	John Wilborn
Kelse H. Risner	E. N. Todd	Mr. Speaker
Amos Runyan		—73

Resolved that the title thereof be as amended.

Mr. Biggers moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the following bills were introduced, viz.:

H. B. 515. An Act authorizing the State Board of Education to accept a conveyance of the properties of the Lincoln Institute in Shelby County.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In the event the Board of Trustees of the Lincoln Institute in Shelby County, Kentucky, shall tender to the Commonwealth a deed of conveyance conveying the properties of said institute, the State Board of Education is hereby authorized to accept said conveyance on behalf of the Commonwealth and to thereafter operate the institute as a state institution of learning in accordance with the terms and conditions of the instruments pursuant to which the institute was originally established.

§ 2. In order to make provision for the adequate operation of Lincoln Institute as a practice-teacher-training high school pending transfer of the properties of said institute to

the Commonwealth, and in order that the private funds and donations available to the institute may be released for reconstruction of the buildings to replace the fire loss above referred to, there is hereby appropriated out of the General Expenditure Fund in the State Treasury, the sum of $30,000.00 for each of the fiscal years 1946-1947 and 1947-1948, said sums to be in addition to the sums appropriated by House Bill No. 124 of the 1946 General Assembly. If, during either of said fiscal years, the properties of the institute are conveyed to the Commonwealth, the moneys hereby appropriated, together with the moneys appropriated by House Bill No. 124, shall be available to the State Board of Education for ordinary recurring expenses of operation of the institute. If, during either of the fiscal years 1946-1947 and 1947-1948, the properties of the Lincoln Institute are conveyed to the Commonwealth as above contemplated, there is hereby appropriated to the State Board of Education, for the fiscal year in which such conveyance was made, out of the General Expenditure Fund in the State Treasury, the sum of $100,000 for capital outlay at the said institute.

By Mr. Bassett.

H. B. 516. An Act relating to public printing.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 57.020 of the Kentucky Statutes is amended to read as follows:

(1) The Superintendent of Public Printing shall superintend all printing done by the contractors for the state printing, and shall specify the kind and style of paper, the type to be used, and the style of printing and binding, including the multiple printing of forms in large quantities according to standard size of sheets available, subject to specifications furnished by the Department of Finance. He shall make a monthly statement to the Department of Finance of the amount and kind of printing done by the state printing contractors and shall prepare a biennial statement of all work

done under the state printing contract. The biennial statement shall be made a part of the report of the Department of Finance to the General Assembly.

(2) He shall superintendent all printing, binding, engraving, lithographing or other work of this nature required by the state that is not included in the state printing contracts, and the Department of Finance may require him to contract for the performance of such work, either with the state printing contractors or with some other printer who is in his judgment qualified to perform the work. Qualification to perform the work shall include proof that the printer has adequate equipment or will have at the time the work is to be performed. The printer so contracted with shall give to the Department of Finance such bond as it requires for the performance of the contract.

(3) He shall keep his office in Frankfort and shall at all times be under the supervision of the Department of Finance.

§ 2. A new section of the statutes is created, to be numbered KRS 57.045 and to read as follows:

Any state educational institution that has an established printing plant therein for the instruction of students in printing may produce printing of any class for the institution, but not for any outside agency. The rates charged for this printing shall not be in excess of the rates established by this chapter.

§ 3. Section 57.090 of the Kentucky Revised Statutes is amended to read as follows:

The bids shall be sealed, addressed and delivered to the Division of Purchases and Public Properties, and shall be endorsed "Proposals for the Public Printing and Binding and Furnishing Stationery." The division shall carefully keep them until they are opened according to KRS 57.110.

§ 4. Section 57.100 of the Kentucky Revised Statutes is amended to read as follows:

Each bidder shall accompany his bid with a bond to the state, with sufficient surety approved by the Governor, in the sum of ten thousand dollars, conditioned that he will accept the contract, and will promptly, faithfully and skillfully per-

form the work if awarded to him, and conditioned further that, if the contract is awarded to him and he does not accept it, he will be liable to the state for the difference between the amount of his bid and the amount of the bid of the person to whom the contract is later awarded. No contract shall be awarded to any bidder failing to file the bond required by this section.

§ 5. Subsection (1) of Section 57.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) Within thirty days after the expiration of the time for receiving bids, the Department of Finance shall open all bids, and publicly award the contract for each class to the bidder whose proposal is found to be the lowest and best, not to exceed the rates fixed by KRS 57.220 to 57.260. No contract shall be awarded to a bidder unless he furnishes proof that he has adequate equipment to perform the work or will have such equipment when the work is to be performed.

Sec. 6. A new section of the statutes is created, to be numbered KRS 57.185 and to read as follows:

The Superintendent of Public Printing shall at all times have access to the plant of each contractor for any class or kind of public printing, and shall be permitted to inspect the work as it progresses through the plant.

Sec. 7. Section 57.190 of the Kentucky Revised Statutes is repealed.

Sec. 8. Subsection (1) of Section 57.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) For all composition, in any kind of type, except bills, blanks and miscellaneous printing, the rates per one thousand ems shall not exceed the following:

(a) Plain or book composition, sixty cents.

(b) Column matter, in three or more columns, depending upon each other, and reading across the page, without rules, one dollar.

(c) Rule, figure work, tabulated, indexing and side notes, one dollar and fifty cents.

(d) Original composition transferred from one document to another or whatever character, including leading or

unleading, over-running, changing head or foot line and making up forms, 25c for each form so changed of whatever size.

Sec. 9. Section 57.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The maximum rates for presswork on book, pamphlet or similar work shall be $2.50 per thousand impressions on full size sheets of twenty-five inches by 38 inches or less, and $3.50 per thousand impressions on full size sheets of twenty-eight inches by forty-two inches or more.

(2) Presswork on all forms other than book work, pamphlets and similar forms shall be at the rate of $1.50 per thousand impressions or less regardless of the number of forms that can be printed on a full size sheet of card board or paper suitable for the purpose.

(3) The maximum rates for folding one or more folds when one operation shall be $3.00 for the first one thousand copies, and $2.00 for each additional thousand.

Section 10. Section 57.250 of the Kentucky Revised Statutes is amended to read as follows:

Maximum rates for binding (including sewing) shall be as follows:

(1) For paper covers, including composition, presswork and putting on books, documents and publications, for one hundred copies, one dollar and fifty cents.

(2) For half-binding with leather back and paper sides, and titles lettered with gold leaf, per volume 50c.

(3) For full binding, per volume.

(a) Law skiver binding, ninety cents.

(b) Law sheep binding, one dollar and twenty cents.

(c) Law calf binding, one dollar and fifty cents.

(4) For cloth binding with plain, gilded or embossed lettering on sides or backs, per volume 50c.

(5) The words "public proberty," "property of the state," "state library," or the like shall be put in and on books without extra charge.

Ordered that said bills be printed and referred,

To the Committee on Rules.

Mr. Weintraub moved that the vote by which a bill entitled:

S. B. 15. An Act relating to county police forces.

Was rejected on yesterday, be reconsidered.

Without objection, said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 336. An Act relating to sheriffs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) The sheriff of each county having an assessed value of less than $100,000,000 containing a population of less than 75,000, comprising a separate judicial district, and containing a second-class city, shall be paid a salary of $5,000 per annum. The fiscal court shall pay all the necessary expenses incident to the proper performance of the duties of the office of the sheriff including the premium on his revenue and personal bond, but the expenses shall not in any year exceed $10,000.

(2) The sheriff shall, at the end of each month, furnish the fiscal court a sworn statement of all receipts and disbursements and a sworn statement of the necessary expenses of the office during the preceding month, and shall pay to the county treasurer the total amount collected by him. The fiscal court shall pay the sheriff his annual salary in monthly installments out of the county treasury, and shall pay the expenses incurred by him during the preceding month.

§ 2. The sheriff of each county having an assessed value of less than $100,000,000, containing a population of less than 75,000, comprising a separate judicial district, and containing a second class city, may appoint such deputies and clerical assistants as are necessary for the proper performance of the duties of his office. The sheriff shall fix the salaries of the deputies and clerical assistants, but the salaries of the

deputies and clerical assistants shall not exceed $30,000 in any year. The fiscal court shall pay the annual salaries of the deputies and clerical assistants in monthly installments out of the county treasury.

Mr. Weintraub offered the following amendment to said bill, viz.:

Amend H. B. 336 on pages 1 and 2, sections 1 and 2 by adding after the words "population of" in line 2 of Section 1, and line 2 of Section 2 the following:

"more than 70,000 but"

Said agreement was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and same being engrossed, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	M. B. Gilligan	Ed Marcum
F. H. Bassett, Jr.	Otto W. Goff	E. H. Martin
B. J. Bonn	E. R. Hilton	W. E. McClure
J. C. Bradley	Clyde S. Howard	Jack McPherron
B. K. Brantley	Maurice Howard	J. Lee Moore
John Y. Brown	Jerry F. Howell	Fred Morgan
Chas. W. Burnley	Ira W. Hulette	E. C. Mullins
W. K. Coleman	Paul Jonas	J. C. Newcomb
Fred Creasey	B. F. Kincaid	Thos. A. Noe
G. I. Drury	Edgar Kitchen	Joe E. Nunn
Forest C. Easley	A. L. Love	Louis T. Peniston
Bernie S. Edlin	H. K. Lowman	Sylvester Phillips
Tom Gilliam	E. J. Lucas	L. W. Preston

E. F. Prichard	Paul J. Stapleton	Harry F. Walters
Kelse H. Risner	Geo. W. Steinford	W. W. Webster
Amos Runyan	Ralph G. Stone	Geo. J. Weining
J. W. Simmons	E. L. Thompson	Morris Weintraub
Luther Slusher	E. N. Todd	Rodney Whitlow
Forrest Smith	Walter L. Trivette	John Wilborn
E. A. Spencer		—58

Those who voted in the negative were—

Ott Begley	A. H. Eversole	W. R. Smith
Jack Bingham	J. J. Huff	Lawrence Wells
Eck Embry	L. H. Jones	—8

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. J. Lee Moore moved that the House do now recess for thirty minutes.

Said motion was agreed to.

And then the House recessed.

Thirty minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Denny sent to the Clerk's Desk a copy of the Report of the Kentucky Commission on Negro Affairs, dated November 1, 1945, and moved that said Report be spread upon the Journal, and that the Chief Clerk be directed to have five hundred copies of said Report printed.

Said motion was agreed to.

Said report on Negro Affairs is as follows, viz.:

THE REPORT OF THE KENTUCKY COMMISSION ON NEGRO AFFAIRS

November 1, 1945

ACKNOWLEDGMENT

The Commission gratefully acknowledges its appreciation to Governor Simeon Willis, who created by the appointment of the Commission, an opportunity for Kentuckians interested in the progress of their state to present the problems and needs of its Negro citizens. The Kentucky Commission of Negro Affairs is the first special commission of its kind in the South.

To Mrs. Hortense H. Young, Research Editor for the Louisville Defender, and Mr. Tarleton Collier, an Editor of the Louisville Courier-Journal, the Commission is indebted for editing of the Committees' reports, and to the State Department of Education for their excellent mimeographing work.

The Commission sincerely appreciates the interest of many people and organizations whose cooperation has made this report possible.

THE COMMISSION

THE COMMISSION ON NEGRO AFFAIRS

The Kentucky Commission on Negro Affairs was created by an executive order of Governor Simeon Willis on September 21, 1944. It was instructed "to obtain and to study all the facts and conditions relating to the economic, educational, housing, health, and other needs for the betterment of Negro citizens of Kentucky." Both races are equally represented in the appointed membership of the Commission.

The executive order further stated that "The Commismission shall provide its own necessary expenses and shall make its own organizations . . . appoint such committees and sub-committees as may be needed . . . that its jurisdiction shall extend throughout the Commonwealth . . . all departments of the government were requested to cooperate fully with the Commission".

During its first meeting, the Commission elected the following officers: J. M. Tydings, Chairman; William H. Perry, Jr., Co-Chairman; and Robert E. Black, Secretary.

Committees on Education, Economics, Housing, and Social Welfare, Health, and Civil Affairs were appointed, each of which recommended members for their advisory committees. The membership of these committees, and subcommittees were selected on the basis of the connection of each member with professional organizations, or employment in the type of work related to the various committees assignments. Their names are attached to each Committee's report. Everyone served as a public spirited citizen, without compensation of any kind.

The Negro members of the Commission were requested to obtain from their respective professional organizations recommendations as to the problems which the Commission should study. It was decided that it was not practical for the Commission to attempt to compile a comprehensive report of all the facts relating to the status of the Negro people of Kentucky. And even those studied, because of the limitations of the Commission, have not received, by any means, the detailed attention to which they are entitled.

The changes in the social and economic life of the nation, as affected by the end of the war economy, obviously, indicates the need of a permanent State Commission on Negro Affairs. The reports of the Commission will be continually in need of revision to support any intelligent approach to the problems of the Negro in Kentucky.

The experience of the present Commission should prove valuable to the Governor and Legislature. The Commissioners, being busy men, have not had adequate time for the study, or funds for the travel essential to making complete reports. Clerical services were available only as could be spared by busy offices. It is, therefore, recommended that the Kentucky Commission on Negro Affairs be permanently established by an act of Legislation with an appropriation of not less than $7,500 per year to be used for the employment of a full time Research Secretary and such clerical assistance as may be needed, and to defray traveling expenses.

It is essential to continue the bi-racial organization of the Commission with a membership comprised of people actually engaged in education, health, social services, civil affairs, and associated in labor, management, and professional organizations. The services of the State Printing Department should be made available to the Commission for publishing the bulletins and reports.

FOREWORD

Any progress which the State of Kentucky shall make is dependent, not only on an intelligent use of its natural resources but primarily upon the quality of its human resources, and the full employment of the skills of every citizen.

The interdependence of peoples and government is practical democracy. The state's government is dependent upon a responsible citizenry, and every citizen is dependent upon a responsible government for "liberty and the pursuit of happiness."

Public taxation for public services is justified to the end that it enables each individual citizen to become an asset to life in our democracy. Therefore, equal opportunities for every citizen in every section of the State, and of every race and creed, is an essential public policy.

These self-evident truths and our democratic ideals admit the inclusion of ALL citizens in the services provided by the state. Therefore, equal opportunties are essential for Negro citizens in order that they may make their full contribution to the progress of Kentucky.

The spirit of Kentucky's motto: "United we stand and divided we fall", must be more honestly applied to race relations in our state and in America to make our democracy real and keep it from taking the road to revolution that so many other democracies have taken. It is essential to world peace that all races of men must learn to get along together. America has a great opportunity to demonstrate this for other nations. Kentucky can lead the way in the South.

Changing laws, applying efficiency and idealism is not enough. A lasting social and economic peace can only be

built on moral foundations of honesty and unselfishness—where men of all races learn to work together through a common obedience to God and have a vision for their part in making their nation great.

THE NEGRO POPULATION

Fifty years from now there will be no Negroes in Kentucky, if the present rate of decline in the population ratio continues. Kentucky, once a "slave state", in 1890 had a Negro population which was 50% greater than that of Missouri, Illinois, and Ohio combined. The number in any one of these states now far exceeds that of Kentucky. It has decreased from 14.4% of the State total in 1890 to 7.5% as shown by the 1940 U. S. Census.

Despite the fact that Kentucky is an agricultural state with 44% of her population residing on farms, Kentucky's Negroes are city and town dwellers. Over half are in urban centers, a fourth in non-farm communities, and less than one-fifth live on farms.

The sparsely settled and scattered Negro population in Kentucky and the traditional pattern of segregation for Negroes in schools and other public services has impoverished the services of the State to ALL its people. The second rate services which are provided Negroes, and in many instances the absence of any services at all, have impoverished the capacity of Negroes to serve the State. The high cost of segregation of Negro services is therefore a twofold economic burden to the State.

The slave status of the Negro on the farm changed only on the surface. The freedom of the Negro people is circumscribed by the vicious circle which discourages farm ownership and farm management opportunities for lack of adequate training in the science of agriculture.

The migration of Negro people from rural to urban centers in the "pursuit of happiness" and well-being they do not find in their present day rural life is at the root of all the problems of the Negro people. It is expensive and impractical to provide separate health, educational, welfare

institutions, and other public services for the scattered few who remain on the farm.

Obviously, the need is for a more attractive and advantageous farm life for Negroes, as well as programs of aid for their adjustment and integration into city life. The removal of segregated barriers to the full enjoyment of the privileges and responsibilities of the democratic way of life is the greatest need of Negro people of Kentucky.

SECTION ON RECOMMENDATION
MISCELLANEOUS RECOMMENDATIONS

1. That the Kentucky Commission on Negro Affairs be permanently established by an act of Legislation with an appropriation of not less than $7,500 per year to be used for the employment of a full-time Research Secretary, clerical assistance, and to defray traveling expenses and other costs necessary to study and compile statistics and pertinent facts relative to the needs of the Negro people of Kentucky.

RECOMMENDATIONS OF THE CIVIL AFFAIRS COMMITTEE

1. That the State Government require non-discrimination in state contracts and other public projects, with stipulation in bids also that Negro workers should constitute a proportion of skilled artisans on these projects.
2. The creation of a special commission, composed of members of the General Assembly, to develop anti-discrimination legislation for enactment during the forthcoming session of the Legislature.
3. The enactment of appropriate legislation to repeal and abolish Kentucky's present "Jim Crow" laws on railroads operating in Kentucky.
4. The modification or repeal of the Day Law insofar as it relates to post-graduate education and in the professional schools by nullifying discriminatory practices which now deny Negroes eduactional opportunities which are provided within the State for other students. (See Section on Education.)

RECOMMENDATIONS OF EDUCATIONAL COMMITTEE

1. That aid for education be sought from the Federal Government in order to raise the level of educational opportunities within the State; that the administration of such funds provide its fair apportionment to racial minorities, and that Negro personnel be employed in the distribution of such funds.
2. That, in order to stimulate improvement of conditions affecitng Negro schools, all the schools of the county and independent school district be accredited as a system of schools rather than as separate schools.
3. That all differentials in teachers' salaries, due to race, or to subterfuge therefor, be eliminated immediately.
4. That the position of Assistant Supervisor of Negro Education, employing a Negro educator, be made permanent.
5. That adequate funds be provided for the expansion of West Kentucky Vocational School and Lincoln Institute as a more adequate boarding high school service for rural youth. That there be adopted the plan of centralized boarding high schools and/or consolidated schools for Negro high school pupils living in areas in which there is no high school service for them; and that such schools be located as near as possible to the homes of the pupil served; and that there be developed in each of these centers strong courses in agriculture and vocations.
6. That adequate funds for the physical development and equipment of West Kentucky Vocational Training School be provided, and that a strong program of vocational training be developed in it for the Western section of the State and at Lincoln Institute for the Eastern end of the State.
7. That there be appointed a Negro as member of the State Board of Education to interpret to that Board the special problems of Negro education.
8. That there be made available the funds necessary to provide educational opportunities equal to those provided

at the University of Kentucky, at Kentucky State College, for Negro students in every area of instruction in which adequate enrollment can be expected or may occur.

9. That the out-of-state scholarship plan be eliminated as soon as equality of educational opportunity exists within the State, but that during the remaining period of its operation, a maximum of $350 per person per year, rather than the present $175, be granted.
10. That any Negro qualified to pursue a course of instruction of graduate grade or on the professional level, which course is not available at the Kentucky State College, may pursue such course of instruction at any educational institution in this State at which the course is offered. In such cases the provisions of K.R.S. 158.020 shall not apply.
11. That there be developed a coordinated program of education for Lincoln Institute, West Kentucky Vocational Training School, Kentucky State College, and possibly Louisville Municipal College.

RECOMMENDATIONS OF THE COMMITTEE ON ECONOMIC AFFAIRS

1. More technical training in schools for adults and within industries to develop skills of Negro workers.
2. Labor union officers should share with management the responsibility for obtaining white workers' approval of the employment of Negroes, and impart democratic standards and practice to the rank and file of their membership generally.
3. Employers are urged to give opportunities to Negroes from which custom has barred them: i.e., in sales personnel, on telephone switchboards, operators of street cars and busses, etc.
4. Inclusion of small farmers, tenant croppers and household workers of both races in provisions of the Social Security System.
5. Development of a system of written leases which include reimbursement for unexpended improvements of land

and dwellings and acknowledgment of certain improved practices to stand in lieu of rent.

6. Rural housing improvement programs and community recreational activities for both races.
7. Acceptance of Negro farmers as members of farm organizations and cooperatives.
8. Legislative action necessary to designate Kentucky State College for Negroes as recipient of funds for agricultural education and experimentation received by the State from Federal sources, and provide such additional state funds as are necessary to support (1) a more adequate extension service and (2) an experimental sub-station and other facilities for organized research.
9. Broadening work among Negroes under Smith-Hughes vocational funds administered by the State Department of Education, including 4-H Club work.
10. A Household Workers' training institution which would become a center of education, information, and interpretation of proper standards to both employers and workers. Certificates of completion of courses from responsible institutions should guarantee competence and dependability of household workers and give such employment the dignity it deserves.
11. The inclusion of courses in business practices in Negro schools and adult instruction in centers where the Negro population justifies such preparation under the supervision of the State Department of Vocational Education.

RECOMMENDATIONS OF HEALTH COMMITTEE

1. An educational program to combat the lack of information regarding health laws, and that provisions be made for courses in health education in the state supported schools, to be taught by qualified personnel and that adequate provision be made for the development of a physical fitness program in these institutions.
2. In order that the State may attract more Negro doctors, provisions should be made for professional post-graduate and in-service training in all tax-supported institutions for physicians, dentists, and nurses within the State.

3. Favorable consideration for the employment of Negro physicians, nurses, social workers, inspectors and other appropriate Negro personnel by county boards of health where the Negro population justifies such employment.
4. That Negroes be appointed to the governing boards of the tuberculosis sanatoria.
5. Negro professional workers be employed in official or voluntary agencies where such employment would contribute materially in the solution of health problems vitally affecting the Negro race.
6. A subsidy of $25,000 per year for the Red Cross Hospital, Louisville, Kentucky, in order that immediate provision may be made for establishing a training school for nurses, and for the care of out-of-county indigent Negro patients.
7. The establishment of infirmaries, with facilities for an out-patient clinic and in-patient hospital treatment at each of the state educational institutions for training licensed mid-wives, and to be used also as a center for services to Negroes in rural areas similar to the work of the Kentucky Frontier Nurses in the mountains.

RECOMMENDATIONS OF THE COMMITTEE ON HOUSING AND WELFARE

1. A home for dependent Negro children separate from delinquent children that they may escape the stigma attached to their being together, said State institution being adjacent to and sharing in the use of psychiatrists and other personnel employed at Kentucky Home School, Lyndon, Kentucky.
2. Public schools at the expense of the State or County should be provided for dependent and delinquent Negro children with standards comparable to other tax supported schools.
3. Trained Negro personnel should be employed in the Welfare agencies throughout the State.
4. A training program for Negro inmates should be instituted in all the State penal institutions.

5. That a study of the legal aspects of restricted covenants in titles to real estate be made to determine what form of legislation may be necessary to eliminate such practice in Kentucky.

PUBLIC SERVICE

There is no State Civil Service—but legislation has been passed placing state employees in the Welfare Department under Civil Service as of July 1, 1945.

There is no Civil Service in Jefferson County except in the City-County Health Department—a separate corporation.

The city of Louisville has Civil Service in 5 of 9 departments totaling 52% of city employees. One Hundred Fifty-five out of 1465 civil service employees are Negroes—10.58%.

Twelve of 144 Administrative positions are held by Negroes—8.33%.

Not all positions, however, are open to Negroes for examination as there are certain positions designated to be occupied by Negroes. Negroes are employed in all City Departments with the possible exceptions of the Departments of Finance and Law.

A study of the departments and divisions operated by the State of Kentucky reveal interesting figures. Fifty-one offices have thus far been studied with a total of 6,503 employees. Of this number 412 or 6.3% are Negro. This is lower than the Negro population percentage in Kentucky of 7.5, and a further study will show that almost all of these employees are porters, maids, attendants or in other unskilled types of work. Out of 1,091 administrative positions, Negroes hold 29 or 2.6%.

The results of the departments studied show that Negro citizens are not being employed by the State Administration even to the extent of the population ratio. The administrative positions held by Negroes bring out an even greater difference. Twenty-three of the administrative posts are held in the Negro State Educational Institutions and four others are in the divisions of the State Department of Welfare. The largest number of Negro skilled positions are also to be found in the Welfare Department.

This Committee feels very definitely that the State and City administrations should take the lead in non-discriminatory employment practices. There should be no positions designated by Civil Service to be especially held by Negroes or whites. Applicants should be permitted to take examinations and be placed in keeping with ability and skill possessed. In State employment that is not under Civil Service Negro citizens should be employed in at least the proportion of population percentage in all skills and in administrative positions where qualifications are met. The Committee further urges that non-discriminatory employment clauses be included in all state contracts, where employment is created, as a protection for minority group workers.

AGRICULTURE

For the last 30 years or more, Negroes in Kentucky have been leaving the farms and rural centers so steadily and in such numbers that the movement has all the signs of an historic migration—or dispossession. Comparing the 1910 Census with that of 1940, we find that the Kentucky Negro has shifted from 59 percent rural and 41 percent urban to 45 percent rural and 55 percent urban—or from 155,025 rural in 1910 to 97,259 in 1940.

This shift may be seen in terms of definite economic loss and greater insecurity when one compares the items of land ownership—12,628 Negro farm operators (owners, part owners, or tenants) in 1920, possessed of land, buildings and equipment of total value of $36,072,178, and 5,547 in 1940, with holdings valued at only $9,826,638.

Negroes, comprising 6 percent of the state's total population, constitute but 2.2 percent of its farm operators, either as owners or tenants. Negroes simply have been increasingly unable to find satisfactions or even hope in agriculture. They are at a disadvantage in equipment either of education, facilities or incentive.

Negroes should not be discouraged from entering agriculture or, if already in the field, from remaining in it. In an economic and social system which is marked by limitation of opportunity in so many fields because of the artificial bar-

riers of discrimination, there is no pursuit more than husbandry that offers rewards in direct relation to the skill and effort applied. It is in essence a collaboration of man and nature, and nature knows no discrimination. It contemplates the ideal of independence under civilization: that of the man on his parcel of the earth. No one more than the Negro has vital need of this status.

An inequality of opportunity as between the two races has developed in Kentucky agriculture. We feel that this is not due to the Negro's lack of fundamental aptitudes, or to inherent low managerial ability, but to the withdrawal of his incentives. His sources of education in modern agriculture are dried up. We deplore the prospect that many Negroes of rural origin, experience and knacs are condemned by sheer lack of access to these facilities, condemned to the insecurity and squalor of the unskilled industrial worker in crowded urban centers, the Detroits and the Harlems, where economic and social conditions, neglected, intensify the very problems with the solution of which we are here concerned.

The Kentucky State College for Negroes is a land-grant college, the same as the University of Kentucky, yet by action of the legislature, the latter is designated as the sole recipient of funds for education and experimentation made available from the (Federal) Hatch-Adams-Purnell, Capper-Ketcham and Bankhead-Jones (Sec. 1-21) funds, the State College getting nothing.

Most Southern States have established sub-stations for agricultural experiment at their Negro colleges; this is not done in Kentucky. For extension work among Negroes there are four Negro farm agents and two Negro home demonstration agents—and these are not connected with the Negro college, where it would seem they belong, but with the university staff.

Although many, if not most white county agents make no stent of services to Negro farmers, social customs being what they are, it is hard to see how completely effective educational work on the land and in the homes—a process which to a large extent involves sharing the lives of people —may be accomplished with so few agents to whom these

intimate contacts are possible. And without extension work among Negroes, performed by members of their race, inspiration and encouragement is lacking for younger groups to see the higher specialized training that is necessary in the increasingly exacting pursuit of agriculture. Ambition to succeed is quickly thwarted, and so standards of living, income and hope decline, as facilities for getting knowledge and services are restricted.

Besides our recommendations of (1) strengthening the departments of the Kentucky State College, (2) granting more funds through legislative and administrative designation for this purpose, (3) centering an enlarged extension service at the Negro college, (4) establishing an experimental sub-station and other facilities for organized research at the latter, and (5) permitting advanced qualified Negro farmers or gradute students access to facilities of the main experiment station and University instruction, the committee feels there is need for broadening work among Negroes under the Smith-Hughes vocational funds, administered by the State Board of Education. We point to these facts:

1. Only ten Negro high schools have departments of agriculture financed by these Federal funds; 2. Home Economics departments, thus subsidized, exist in 31 Negro high schools, with 34 teachers; 3. Eighteen Negro high schools, with 27 teachers, have Home Economics departments which lack this subsidy; 4. Only 24 Negro high schools have trades departments which enjoy this subsidy.

Strengthening the Negro land-grant college in these respects would provide a natural center for annual gatherings of Negro 4-H Club members (incidentally stimulating growth of membership), and for Negro farmers and farm homemakers generally, which is now lacking.

As for general recommendations, looking to improvement of the lot of small farmers, tenants and croppers of both races, which naturally would strengthen the position of Negroes in these groups, we urge support for extensions of the Social Security System to bring farm workers under its provisions; development of a system of written leases which will include reimbursement for unexpended improvements

of land and dwellings and acknowledgement of certain improved practices to stand in lieu of rent. Proposals stated in the publication, "Legal Aspects of Farm Tenancy" (Ky. Ag. Exp. Station, 1941) should be reviewed with an eye to implementation by law or private agreements.

Rural housing programs, inclusion of Negro rural dwellers in plans of community activities, organizational and recreational; acceptance of more Negroes in farm organizations and cooperatives—these are other desirable goals without which, in addition to the educational supplements previously recommended, the Negro will be forced entirely from the land in sheer discouragement and need, or else be reduced to the status of a peasantry.

HOUSEHOLD EMPLOYMENT

A field of employment which deeply concerns the Negro population of Kentucky, its standards and outlooks, is that of the household worker. One person out of every 25 employed in Kentucky (one out of 18 in Louisville) is in this classification. And of the total of 37,841 in Kentucky (1940 Census), 22,134 or 58.5 percent are Negroes, and of these more than 80 percent are women. There are more women workers in household employment in Kentucky than in any other single occupation, including teachers or clerical and office workers. This is a fact which has a great influence on the quality of family life.

And yet this field is marked by the least security of tenure, the greatest lack of standards as to hours and conditions of work, the smallest prospect of independence after long years of labor, the least dignity and the most exploitation. The principal if not the only incentive to enter this field is elemental need; not, as in the case of most callings, the hope of advancement, occasional leisure and more than a bare living wage.

Much of the difficulty comes from the general propensity to regard home-making, which is the true end of domestic employment, as a casual or unskilled trade. Consequently, this difficulty may be removed by changing this status, in the view of employers and in actuality, to that of skilled labor.

Definite vocational training, leading to certificates at the completion of a course—certificates which would bear the guarantee of competence and dependability—seems to this committee to be a fundamental necessity.

This training, which should be established as a public service and as part of a vocational program, would make possible a system of registration for qualified workers, who thus acquire the status of technicians.

Naturally, a responsible institution of the sort proposed would become the center of a dependable employment service and a system of placement, in lack of which at present the Kentucky community has only the loosest, most casual and most haphazard method of job-seeking on one hand and employment on the other. It is to be expected that with dependable organizations, discrepancies between supply and demand may be more nearly adjusted, with less hardship all around.

The proposed training would be something more than domestic science or home economics. Hygiene, personal attractiveness and ethics would go along with technical instruction; and at least a minimum of scholastic education would be required, and imparted if not already possessed. The aim, in short, would be the development of proficiency without which any occupation is bound to remain underprivileged, unrecognized and unrewarded. The idea of technical instruction of this sort, with certificates and registration is not fantastic or untried. Since this report was undertaken, information has come of an identical venture in New York City, operated jointly by the U. S. Employment Service and the New York Board of Education. A class in house-cleaning had just been completed there, to be followed by classes—free of charge—in cooking, laundry work and childcare. Certificates are given upon completion of the course, assuring fitness and desire to succeed. A commentary on the plan in that city said:

"Housework, as any one who has attempted it is thoroughly aware, is besides being a real chore, a skill of high order. Why, then, should its acquisition be entrusted to the time-consuming, old-fashioned method of learning as you go? Why shouldn't it be taught, point for point, skill for skill, as

any other trade? . . . These women will have had experience in skilled work, exact hours and pay, and a businesslike approach to making a living. It is not inconceivable that they will want to transplant some of this same efficiency to domestic tasks. Employers should welcome it, and maids, in order to invest housework with the dignity it deserves, are not likely, one imagines, to let slip the opportunity to improve their own lot."

In no other field of employment are practices so affected by the persnoal attitudes of the employer. And the average employer of household workers has not yet learned to regard himself as an employer, with an employer's responsibilities; or to see that he helps himself by promoting responsibility on the part of the worker and by creating incentive. When an employer complains of generally low, unsatisfactory, desultory and undependable performance on the part of domestic employees, he should know that this is not the fault of the workers so much as of the system of training and employment.

The training institution would become also a center of a program of education, information and interpretation to be imparted to the employing group as to the necessity of proper standards. It would become also the means of assembling household workers for organization to improve their standards, solve their problems, combine for group insurance and medical care, etc.; otherwise, they will be always separated by the isolation of their work, always underprivileged and undependable, except perhaps those of extraordinary determination or fortunate contacts of employment.

General steps recommended for improvement of conditions include extension of Social Security systems to embrace domestic workers and grant them minimum wages, unemployment and old age benefits through their own participation. Even if exemption from Social Security continues for this group, the State of Kentucky may still place household workers within the range of its unemployment compensation law.

We recommend development of contractual relations between employer and worker, with a standard work week

and allowances for overtime, reasonable sick leave, vacations and days off; compensation for accidents, reasonable advance notice of resignation or dismissal, or pay in lieu of notice. The domestic worker has the same right as anybody else to leisure and personal interests, and to plan her own life. Too much enlightenment has been brought to bear upon social practices to permit this field of employment alone to remain in a sort of feudal status. Under the system proposed by this committee, it does not necessarily follow that improved standards of compensation will deprive many families of household service. It will be possible for every person to get the service for which he is able to pay, by day or by hour. An important consideration, in thinking of improving standards for the benefit of both parties—and incidentally of improving attitudes and relationships between the races—is to prevent the household worker from being socially demeaned as an individual.

BUSINESS

Economic opportunity for Negroes in Kentucky is restricted by the lack of substantial business establishments operated by members of this group. Negroes, for several understandable reasons, generally do not enter the field of business, either in the mercantile or service grouping, except as an alternative to the uncertainties and discriminations of employment at wages.

In such cases, they merely work for themselves, instead of others. To a significant extent, their ventures are on the smallest scale, with the operator doing all the work. Thus, few or no opportunities are offered for employment of others. A recent study of business and employment among Negroes in Louisville, where the bulk of Negro business in Kentucky is located, shows that in 654 establishments, only 649 persons outside of the operators were employed. This study by an associated group centering in the Louisville Municipal College shows that most of the enterprises are marginal, the largest number (119) being one-man traffics in ice, wood and coal. There are 99 Negro-owned restaurants and taverns, 66 beauty shops, 47 barber shops, 36 junk peddlers, 34 rooming houses.

The others run the scale of familiar occupations like auto service, cleaning and tailoring, hauling, funeral service, dressmaking, etc. There are but three drug stores, 26 food stores, most of the smallest variety. There is not a single general store, department store, clothing store either for men or women. Outside of five newspapers, the best of which approach excellent standards of organization, management and editing, and 4 insurance companies (which employ 136 of the total of 649 on Negro payrolls, and two of which are home offices), this structure of business is unrepresentative of a community group so large, with economic necessities so distinct.

A number of obvious reasons for this condition present themselves. One of the first to strike this committee outside of the natural restrictions of the segregation pattern (i. e., the fact that Negro business must depend almost exclusively on Negro trade, and the Negro population occupies the lowest income bracket) is the lack of experience of Negroes in the entrepreneur or managerial field, the lack of opportunity for them to acquire knowledge of business standards, practices, calculations, techniques of every sort from simple bookkeeping to sales psychology. There is no tradition of business or inheritance of business knacks and lore, and so the Negro must depend for his encouragement, inspiration and chance of success upon acquired knowledge, which simply has not been available.

The study concludes with the following recommendations, in which this committee concurs:

A bureau of business counseling, a business clinic, courses in business administration, marketing, sales and salesmanship, sales and cost accounting, advertising, retail trade, as well as, less technical courses, such as, bookkeeping, typing, shorthand and stenography, could and should be established, by or in such institutions as are equipped and capable of offering such services and training. Even the least sanguine expectations, it says, would seem to perceive in such a development a progress in Negro business that would both increase the magnitude of that business and make it a more or less potent factor in the community and city.

Because of the lack of advanced education among those now in business or likely to enter business, it is suggested that the courses be established in the lower levels of public school or adult instruction.

The accessibility of adequate credit facilities should be an almost automatic development, once the prospective enterpriser is supported by such a structure of guidance and guarantee of competence. After all, credit is a matter of character plus proven fitness to deliver.

(NOTE: These recommendations naturally apply only to centers with Negro population sufficiently large to offer prospects of patronage to justify the preparation. Their consideration is urged upon the Department of Vocational Education.)

SECTION ON REPORTS

CHAPTER I

REPORT OF COMMISSIONERS ON CIVIL AFFAIRS

Charles W. Anderson, Jr., only Negro member of Kentucky House of Representatives
Judge J. J. Kavanaugh, Attorney

ADVISORY COMMITTEE OF ATTORNEYS

James A. Crumlin
Charles P. Farnsley
J. Everett Harris
Joseph Lazarus
Senator Ray Moss
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CIVIL AFFAIRS

In the domain of Civil Affairs, the condition of the Negro in Kentucky is advanced as to several particulars beyond that of his brother in most states of the deeper South which possess somewhat similar historical traditions.

Formal political equality, without restrictions at the ballot box, has been attained; and so also has eligibility to hold public office, although this perhaps is too infrequently realized and then too infrequently as a matter of individual qualification and worth.

However, in this border State where divergent attitudes mingle and clash, often without losing their identity, there are odd degrees of tolerance and right. Obvious discriminations and segregations occur, some of which are illogical in the extreme, almost to the point of travesty. For example, a visitor might be moved to the point of ironic comment at sight of railway passengers being segregated by color as soon as a southbound train crosses the Ohio River, although they may have traveled together casually, in comfort and in peace for hundreds of miles southward—the same persons, the same necessities, yet all at once subjected to arbitrary distinction and "verbotens."

Many of these discriminations and segregations are the results of attitudes and customs rather than of legal omission or commission; others are the result of exploitations due to economic condition, and bear as heavily upon those of lower income status among the white race as well as the Negro.

For example, established practice in most centers of the State demands bail bonds for petty crimes that too often impose hardships and unjust detentions; too often the poor white as well as the poor Negro becomes the defenseless victim of arbitrary handling by officers of the law; too many of these officers lack instructions or direction in the fundamentals of civil rights and proper human relationships, not to speak of proper race relationships.

Hopeful that many of these discriminations will be removed by development and refinement of attitudes in the clear light of the democratic flame, we shall confine our recommendations in this connection to proposals for equal protection and opportunity which may be served at once by statutory enactment or revision.

On the theory that Government, as the responsible organization of society, has an obligation to make sure that impartiality is established, we recommend requirements of

non-discrimination in State contracts and other public projects, with stipulation in bids; also, that Negro workers should constitute a proportion of skilled artisans on these projects.

We recommend creation of a special commission, composed of members of the General Assembly who shall consult with the Commissioner of Labor and other State officials, to develop legislation in this field, beginning immediately. Desirability of full employment in the period of reconstruction which already has begun, for the sake of both the individual and the common welfare, prompts the recommendation of action at the forthcoming session of the Legislature.

Conditions, needs and dangers described in preceding sections indicate the urgent necessity of anti-discrimination legislation. As to the form which this legislation may take, there are numerous helpful guides and much practical experience elsewhere.

Three State laws, now for some time in operation, are suggested as likely models for Kentucky legislation, either in combination or in selection of method found best to fit conditions in this State. One is the New York (Ives-Quinn) law, the most comprehensive of the three, which provides for a Commission empowered to issue antidiscrimination orders enforceable in court. Another is the New Jersey (Hill) law, vesting the powers of investigation, hearing and enforceable orders in an Assistant Commissioner of Education. The third is the Indiana law, under which the Commissioner of Labor is empowered to receive and investigate reports of discrimination, to publish reports of findings, to give technical assistance to employers, labor unions and private or public agencies, and to make recommendations to interested parties. Violations of civil rights or "other discriminatory practices" in such fields as housing, recreation, education, health, and social welfare are also within the scope of the investigations, but the Indiana official is without power to issue orders or enforce obedience to any of his recommendations. This law was passed with the tacit understanding that it is experimental before more positive action is taken.

Beyond these statutes designed to enforce or influence fair employment practices, 13 states in the last twelve (12)

years have enacted legislation forbidding discrimination for "race, creed or color" in state civil service, home or work relief, public works contracts, war contracts or trades unions. They include prohibition of any notation or race in a civil service application (California); provisions for reimbursement or reinstatement of aggrieved employees (Minnesota); penalties for those who incite or aid a violation of antidiscrimination laws (New York); and power for labor commissioners to make deductions from amounts due discriminating contracts (New Jersey).

Consideration of these and other items of laws to make certain of democratic opportunity is urged upon the proposed commission for possible application in Kentucky. To this end, we recommend studies of the anti-discrimination laws of the States of California, Connecticut, Illinois, Indiana, Kansas, Massachusetts, Michigan, Minnesota, Nebrsaka, New Jersey, New York, Pennsylvania and Wisconsin.

Other recommendations in the field of Civil Affairs are as follows:

That the Commission recommend the enactment of appropriate legislation to repeal and abolish Kentucky's present Jim Crow laws on railroads operating in Kentucky. We are cognizant of the fact that West Virginia to the east and Missouri to the west are border States similar to Kentucky, and that neither has segregation on trains.

That the Commission recommend to the Governor that he ask the Legislature the repeal of the Day Law, in so far as it relates to postgraduate education, by nullifying any discrimination against any person because of color, race or creed in the professional and graduate schools of the various institutions within the State. We feel that it is undemocratic as well as being an unjustifiably hardship that Negro students are compelled to pursue graduate and professional courses of study outside of the State, while in the payment of taxes they support the very institutions to which they are denied admission, because of color. (This recommendation has been offered also in the section on Education.)

CHAPTER II
REPORT OF THE COMMISSIONERS ON ECONOMIC AFFAIRS

Robert E. Black, Executive Secretary of the Louisville Urban League

Tarleton Collier, Editorial Staff—Louisville Courier-Journal

ADVISORY COMMITTEE

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Kentucky State Federation of Labor
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Extension Division, Department of Agriculture
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ECONOMIC OPPORTUNITY AND EMPLOYMENT

Fundamental in a democracy is equality of opportunity, the right of one to work at equal pay for equal service, with the same hope of security and advancement that all others possess. In no other field than that of employment—in other words, of breadwinning—does racial discrimination touch so deeply a human life; for, to live in decency and constructiveness, to feed, clothe and shelter himself and his family, to send his children to even the most inadequate schools, a man first must work. And for society's sake, he must work to the best and fullest utilization of his skill and capacity.

What to do for removal of this discrimination poses a problem which in many respects is the most difficult of solu-

tion. This is so because it involves the pattern of segregation itself. Programs of improvement in other fields may be applied without dislocating this pattern, and therefore are more readily accepted. At the same time, they can be given more definite shape, being less handicapped by the intangibles of social and intellectual attitude, custom and tradition. It may be readily agreed that everybody should be educated; but should everybody use the same washroom?

While removal of the severe limitations upon the economic opportunity of the Negro in Kentucky will depend to a large extent upon education, leadership and amelioration of attitude, nevertheless, there are a number of definite, practicable steps in public action which may be taken toward improvement of the situation.

The major test of the Negro's acceptance as a worker, on terms of equal opportunity, lies in the field of industrial employment, the test will be applied in the fateful next year or two of readjustment, when employment will be stabilized, when seniority benefits will be invoked and competition for jobs will stiffen, and when trades unionism will be measured as never before for its substance as a constructive, protective, democratic force.

The economic problem of the Negro in Kentucky has two main parts: 1. The handicap of his relative lack of skills, which makes him the "expendable of the labor force, the first to go when unemployment impends; 2. The barriers to employment, training, promotion and opportunity that are too often interposed because of his race.

Thus, the Negro man or woman is still the marginal worker in industry. The relatively full employment since 1940 has grooved him into war production or into taking the place of white workers who entered the better-paid war production industries and who may be returning to former jobs. The position of the unskilled and semi-skilled Negro worker must be strengthened against the competition for jobs which is ahead and the returning Negro servicemen—some 20,000 from Kentucky—must not be barred from the opportunity which they fought to preserve for all.

Of 482,811 placements by the United States Employment Service in Kentucky in the period 1941 through 1944, approximately 15 percent, or 75,114, were those of "non-white" workers. However, the Negroes placed on skilled jobs were only about 1-2/3 per cent of the total placed in this classification, and 90 percent of the Negroes were placed in unskilled (47,209) or service (21,661) jobs. Of 407,697 white workers placed, nearly 25 percent went into skilled jobs. A typical distribution of "non-white" jobs is shown by the records for 1944: clerical and sales, 1 percent; service, 16.4 percent; skilled, 1.8 percent; semi-skilled, 9 percent; unskilled, 71.8 percent; professional and managerial, negligible (7 placements in 24,897).

This is evidence (1) of a lamentable lack of skills, (2) of classification of many experienced Negroes as unskilled, because the greatest demand for workers was in the division of common labor. The Negro generally was barred from vocational training courses for war workers because of the vicious circle—few good jobs, with prospect of upgrading, because no training; no training, because no prospect of good jobs and the temporary great need of common labor. This condition creates a collateral injury to the Negro's name as a good worker because it has discouraged a large number of better qualified Negroes to the extent that they often have shifted jobs seeking better opportunities, thus giving rise to the charge that the Negro worker is restless, irresponsible, and not interested in this job. However, in jobs offering promise, good pay and stability, the Negro has been found to be as good a worker as any, responsive to training and dependable.

The position of the Negro as a marginal worker, first to feel the impact of unemployment even in normal times, is shown by the Kentucky record of 1940, before the expansion of the defense program set in. In that year, the U. S. Census counted the white labor force at 904,376, the Negro labor force at 94,324. It was significant of the Negro's economic need, incidentally, that more Negroes were working, or needed work, than whites, in proportion to the total number. While the Negro's population was 7.5 percent of the total, the Negro labor force was 9 percent of the total. Also, 20 percent of Negro workers were unemployed, either in normal jobs or

public programs of W.P.A., N.Y.A., etc.; but less than 15 percent of whites. It is obvious that the two factors of inadequate training and racial barrier were having their effect.

The lack of vocational training for Negroes, supported either by local, State or Federal funds in public educational institutions, is striking. The difficulties encountered by the Kentucky State College for Negroes in its efforts to obtain support for special vocational courses at start of the defense program were large and baffling. This story becomes monotonous in repetition and extends to the in-training programs of industry, from which the Negro worker is often cold-shouldered on the ground that he probably would not be accepted for up-grading and other benefits of equal status, and so the training would be useless.

It is urged, however, that Negroes be afforded more opportunities for vocational training, whatever the apparent immediate prospects of acceptance. Too often, when an employer or an agency professes to be ready to place Negroes in skilled positions, he points to the lack of Negroes with requisite skills, and reverts to the old custom. If Negroes prepare themselves, they will be ready when the opportunity comes, and one more reason for refusing to admit him to advanced economic brackets will be overcome. As another point, Negroes should have as wide a variety of training as possible, because the more fields in which they become qualified, and the wider their distribution in industry, the fewer conflicts and tensions are likely. The very narrowing of training and employment opportunities is segregation in its classic aspects.

These comments are urged for consideration on the Vocational Educational Division of the State Department of Education and upon the administration of Veterans' Affairs, which will be faced with this problem of racial limitation of training.

We are assured by representative leaders of both the American Federation of Labor and the Congress of Industrial Organizations that the situation as to racial democracy in organized labor, and the acceptance of Negroes on equal terms of membership, is improving. It is a fact that the

inherent, expressed policy of both these great associations is committed to non-discrimination. However, there are exceptions to this policy, and practice in other organizations, notably the large railroad brotherhoods, in certain affiliates of the A.F.L., and in the workings of local custom generally.

"The Handbook of Labor Unions" lists nine A.F.L. unions, 25 C.I.O. unions and four independent unions, including the United Mine Workers, whose constitutions expressly forbid discrimination because of "race, color, or national origin." It lists eight A.F.L. unions whose constitutions bar Negroes or relegate them to the status of auxiliary or non-representative membership (a ninth bars on "Asiatic labor"). Six of the largest independents completely bar Negroes. It is noteworthy that five of these, and four of the eight A.F.L. unions which interpose this restriction, are organizations of railroad workers, which persist in this stand, even carrying their fight, as in the recent case involving a Kentucky Negro worker, to the Supreme Court (where, incidentally, the Brotherhood of Firemen and Enginemen lost the issue and the Court laid down the principle of right to equal opportunity). The Brotherhoods have officially opposed fair employment practice legislation.

This committee feels the need of education in democratic standards and practices, to be imparted by labor leaders to the rank and file of their membership generally. The pressure of enlightened and practical public opinion upon the holdout unions is necessary. But no less so is education of Negroes, as they become identified with labor organizations, in what unionism really means—in its social and democratic implications, its responsibilities, its significance as something more than an instrument to raise wages. If the Negro is to become a union man, it behooves him to be especially a good and informed union man, for the sake of his race and for the moral example of its dependability.

In plants where collective bargaining applies, union officers should share with management the responsibility for obtaining the white workers' approval of the employment of Negroes; and beyond that, approval of the commonsense, economy and constructive value of non-segregation with-in

the plants. Negroes, like other workers, become more efficient through working with experienced workers; and the better understanding of one another, which thus may be brought about, is invaluable to any program of improved relationships in general.

Negro women have been accepted slowly but definitely in Kentucky industry within the last four years. In 1940, of 8,031 Negro women employed in Louisville, 6,315 or 78.6 percent, were in personal or domestic service, only 276 in manufacturing. At that time, 1,773 Negro women in Jefferson County were unemployed, and 342 working on W.P.A., N.Y.A. and other public programs. In 1944 alone, the U.S.E.S. reports placing 3,325 Negro women in manufacturing jobs in the Louisville area, which includes war production plants across the river in Indiana. This number had jumped from 1,187 in 1943, the increase demonstrating the need of women workers in a condition of reasonably full employment. And so, it is obvious that no unemployment among Negro women now exists.

What this advance means in the way of increased income and security, both as to the individual and the community, is a matter of plain conclusion. The question now is how to hold this advance. Part of the answer lies in the increased competence and assurance which comes from the experience of employment at good wages. It lies in the better standards of living which have been made possible and which create aspirations to self-improvement. Yet it is obvious that with the readjustment to peacetime production, many of those workers, if not most of them, will be displaced, for this is the most marginal of labor, and the group which is utilized only in emergency. It is equally obvious that unless some consideration is given to programs for serving this large labor force, it may have a disrupting influence on the labor market, increasing competitions and tensions. We recommend more positive programs of employment, placement, development of industries to make use of this new supply, and strengthened social programs like mothers' aid, child care, medical care and other services which would relieve the pressure of necessity to go out from the home to find work. Like-

wise, better standards and practices in the field of domestic employment (see below) will improve the situation.

All the foregoing proposals, it is apparent, would serve low-income and economically imperilled groups of both races. There can be no positive programs in their behalf without implements. In recommending, therefore, Federalized employment services and unemployment compensation standards, we feel that only thus can action in behalf of the insecure, the "newly arrived" in industry be brought about.

We urge upon employers generally the consideration of giving opportunity to Negroes in fields from which custom has barred them; i.e., in sales personnel, in such operations as those of telephone switchboards and street cars and busses. There is a convincing argument, it seems to us, in the greater community stability and common economic benefit that comes from full employment, everybody contributing to the full extent of his powers, free of artificial hobbles that rob not only him of opportunity but the community of his potential contribution.

Besides these steps which depend on education and moral persuasion, there are proposals for definite legislation, within the scope of the Kentucky General Assembly, for enhancement of economic opportunity of the Negro citizen. They are to be found in the report and recommendations of the Commission's sub-Committee on Civil Affairs.

CHAPTER III

REPORT OF

COMMISSIONERS ON EDUCATION

Mr. W. H. Perry, Jr., Secretary of K. N. E. A.

Mr. Walter K. Belknap, President
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Dr. Wm. H. Vaughan, President
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EDUCATION ADVISORY COMMITTEE

Mr. W. P. King, Sec'y Kentucky Educational Association
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Mr. H. C. Russell, President, West Kentucky Vocational School

Dr. R. E. Jaggers, Director, Department of Teacher Training and Certification

Dr. H. L. Donovan, President, University of Kentucky

Mr. Whitney M. Young, Ass't Supervisor of Negro Education

EDUCATION FOR NEGROES

Kentucky maintains a segregated school system for Negroes. It is an expensive system which greatly retards the quality of service which Kentucky has to offer all the children in the Commonwealth. There is no doubt but that this factor contributes much to Kentucky's low rank educationally in comparison with other states of the nation.

Kentuckians are divided on the issue of segregated schools. They are against segregation as a badge of inferiority, and some believe that mixed schools would be a means for bettering race relations, others feel that mixed schools would involve humiliation for Negro pupils and would result in the discrimination in the employment of Negro teachers. W. E. B. Dubois, a Negro writer, sums up the matter very clearly: ". . . theoretically, the Negro needs neither

segregated schools nor mixed schools. What he needs is more education . . ."

A survey of Negro schools in Kentucky reveals that educational facilities for Negroes, particularly in the rural areas, is scandalously poor. There is a great need for new school buildings and equipment, for higher standards of Negro teachers, and an educational program adaptable to present day economic and social changes. Gunner Myrdal, the author of "An American Dilemma", in a chapter on Negro schools writes: "Negroes are going to work in new occupations within the next generation. What is needed is an education which makes the Negro child adaptable to and moveable in the American culture at large . . . he needs not to be specialized but to be changeable . . . and he needs it more than the white child, because life will be more difficult for him."

Specialized training is needed mainly in adult education for the Negro field is almost totally neglected in Kentucky. Although the Negro is generally expected to work with his hands, nothing is done to develop in Negroes the skills with which to do a good job. The increasing migration of Negroes in Kentucky to urban centers, without training urban-type occupations is perhaps the greatest single contributing factor to the so called "Negro problem" of the cities.

The admitted need is for a more effective Negro teacher leadership, and a quality of leadership which gives itself without counting the cost. Negro teachers do not receive the type of training which would make their leadership effective, particularly in the aspects of rural community life. In such cases where there is a qualified Negro leadership, it is frustrated because Negro teachers are employed by white boards of education and to allay friction and safeguard their employment as teachers make compromises which are expedient but not always agreeable to the Negro community.

However low the present standards of Negro education in Kentucky, there is a general trend toward improvement and there is no reason for a defeatist attitude.

The future becomes brighter for Negro education and inequalities will disappear as all Kentuckians allow their

consciences, and not their fears, to dictate public policies in education.

The education of the Negro population is a part of the program of general education within the state; however, (1) the dual system of education required by law, (2) the decreasing number of Negroes and (3) their scattered locations there give rise to special problems.

For over a hundred years the Negro group in Kentucky has declined in proportion to the white population. This decline, attributed to high death rate, low birth rate, and migration to other states, left Kentucky, according to the 1940 census, with a Negro population of approximately 7.5% of the total population of the state.

Almost one-fourth of the Negroes now in Kentucky live in Louisville and Jefferson County. The remainder, scattered throughout 119 counties, are more or less concentrated in the Inner Blue Grass Region and in the middle portion of the western neck of the state. Over two-thirds of the colored population lives in twenty-seven counties. The land area of these counties is but one-fourth of the area of the state. For the one-third scattered thinly over the rest of the state, there are critical problems concerning adequate facilities for school and other social services.

During the last few years there has been a decrease in the acreage owned by Negroes due largely to the lack of interest in the farm on the part of heirs of old land owners who were attracted to urban centers and because of the need for more training and the development of skills in farming which would make it a more profitable business. This need for the proper training of skilled scientific farmers has not been met, because of the lack of finance on the part of individuals to attend schools and training centers outside the state where the proper training and techniques could be experienced and learned, and because of the inadequacy of many of the Negro institutions which are attempting to offer such training and create such experiences. The failure of these institutions to meet adequately the need is due not to their administrators but because funds contributed by the state and national governments are not distributed equitably.

The following factors seem responsible for the rapid decrease in the size of Kentucky's rural Negro population:

1. Lack of finance to carry out a comprehensive state wide extension program. The only extension services available to Negro farmers is offered by the University of Kentucky and not by the Kentucky State College for Negroes. Negroes are not admitted to the use of the University's experiment station. There is one Negro supervisor who employs two Negro farm agents, one serves Todd and Logan Counties and one is located in Warren County. There are two home demonstration agents, one serving Hickman and Fulton County and one serving Christian County. During the war, three food conservation agents were employed. They serve Jessamine, Fayette, Madison, Franklin, Scott, Shelby, and Daviess Counties.
2. Lack of agricultural leadership in many counties.
3. Lack of organizations through which agricultural information might be disseminated. The encouragement of Negro youth to participate in 4-H Club work is almost totally lacking, of 2,807 boys in high schools (Negro boys) 210 are receiving agriculture training, and most of these boys do not live on farms. They have neither land or livestock for practical projects.
4. Passing of the traditional Negro fair, which afforded an opportunity for Negroes to exhibit their products.
5. Consolidation of high schools in the county with independent districts without giving due consideration to the economic needs of rural youth.
6. The general lack of appreciation of the value of land and the desire for independence. During the past two decades, the total worth of farms operated by Negroes has reduced from $36,072,178 in 1920 to $9,876,638 in 1940. This is a great economic loss to the Negroes, and is the result of a lack of confidence in security on the farm a desire to exchange farm tenentry slavery for the more attractive urban centers.
7. A lack of training in cooperative buying and selling. Negroes are not generally admitted to participation in

Farm Bureau Cooperatives, a very practical source of education on the newest farm practices, as well as of financial advantage to the farmer.

The loss of land involves the loss of the rural school, the rural church, and individual freedom. In a segregated school system it is now almost impossible to provide equal educational opportunities for the scattered rural Negro youth of Kentucky.

In 1944-45 there were 25,962 Negro children enrolled in the elementary schools of Kentucky. There are some significant facts that should be borne in mind with regard to this enrollment. Ten counties enrolled 47% of the Negro elementary school pupils of the state. In twenty (20) counties there were 62.5% of the Negro elementary school pupils in the state.

Thirty percent of the Negro elementary school pupils were in three counties—Jefferson, Christian, and Fayette. Twelve counties of the state reported that there were no Negro elementary school pupils enrolled. Forty-three counties reported fewer than fifty pupils per county and only 7.7% of all the Negro elementary school pupils of the state were enrolled in one-half of the counties with the lowest enrollment. Five counties had fewer than ten pupils each enrolled in the elementary schools. This plainly shows that the Negro families are living in a few centers of the state. This condition makes the education of the Negro somewhat complicated, particularly in those counties in which Negro populations are scattered.

Ten thousand Negro children of school age failed to enroll in any of the public schools of the state during the year 1942-43. Four thousand Negro pupils dropped out of school before the close of the term and did not return to or enter another school during the year. Only 60% of the Negro children in the first grade and 76% in the second grade completed the year's work. In the year 1942-43, thirty-six (36) out of every hundred Negro children who had entered the first grade seven years before were graduated into the eighth grade, while at the same time thirty-three (33) out of every

hundred white children who had entered the first grade seven years before were graduated into the eighth grade.

Theoretically, continuation of the tendency of the Negro population to move to urban centers might help to simplify somewhat the educational program of the Negroes within the state, but it creates the possibility of serious social and economic problems, because of the congestion of a large number of Negroes in restricted areas.

The percentage of Negro pupils in elementary schools compared to Negro population is almost identical with the percentage of the white children in schools compared to the white population. Studies by the State Department of Education reveal that the length of the school term for elementary pupils of both races is approximately the same; that the training of teachers for Negro elementary schools as compared with white elementary schools is about the same; that the percentage of Negro pupils passing from one grade to another in the elementary school is almost identical with the percentage of white children passing from one grade to another in the elementary schools of the state. There is a difference in the value of school equipment and school houses for Negro and white pupils. The white pupils enjoy a distinct advantage in this one respect. (Contrast) the typical elementary school for Negro pupils is a poorly constructed frame building, poorly located, reached by dirt roads which make approach difficult during rainy weather. Frequently, principals and teachers serve as their own janitors. Commonly, one teacher teaches several or all grades.

The arguments that are now advanced for the improvement of educational opportunities for white children in the state can be very well applied to the Negro schools. We are not providing the type of education for Negro and white children that is best calculated to guarantee a happier citizenship in the future.

There are in Kentucky sixty-seven (67) Negro high schools, including three on the junior high school level. During the school year 1944-45, there were in them 465 teachers and 8,450 pupils. The sixty-seven (67) schools were rated as follows: "A"-12; "A" (Emergency)-5; "B"-13;

"B" (Emergency)-22; "B" (Temporary)-4; six schools with the tenth grade were given an emergency rating; the five remaining schools were given an approved rating. Schools given emergency ratings lacked sufficient pupils to qualify fully; those rated "Temporary" can be brought up to an acceptable standard; those rated "B-Emergency" must be brought up to a much higher standard before they can be accredited. Obviously, lack of enough pupils to meet standard requirements is the principal factor in the poor rating of high schools for Negro pupils.

Mr. L. N. Taylor, State Supervisor of Negro Education for over a quarter of a century, stated in 1940-41: "Only thirteen (13) of our 120 county school districts have pupils enough to maintain the lowest class of four year high school. Only forty-one (41) of our counties, city and rural together, have enough for a four year high school on other than emergency substandard basis.

"This is true even if given perfect cooperation of city and county districts and transportation of all rural high school pupils (which we don't have). And of these forty-one (41), only sixteen (16) can hope to qualify for class "A". This leaves seventy-nine (79) counties no one of which has colored pupils enough available in its elementary schools to recruit and maintain a four year high school up to minimum class "B" high school standards. With substandard short term elementary schools in some of our counties and want of adequate transportation to high school, even more counties must fail to qualify. Beside this, the colored school population continues to reduce in rural areas."

It is significant that there were high schools for Negroes in only sixty-two (62) of Kentucky's 120 counties. Thirty-one percent of all the Negro high school pupils of the state are enrolled in the following ten counties: Jefferson, Fayette, Harlan, McCracken, Christian, Daviess, Hopkins, Simpson, Warren, and Madison.

As an illustration of the paucity of Negro population in certain sections of the state we find twenty (20) counties with but seventy-nine (79) Negro pupils. As a comparison in Negro high schools we find seven pupils in McLean County

to 2,671 in Jefferson County. As an indication of the scattered distribution of Negro high school pupils, eighty (80) counties report a total enrollment of 1,727 Negro pupils and fifty-eight (58) counties have no high schools for Negro pupils within their borders.

The curricula in the Negro high schools are limited and the opportunities afforded Negro pupils in the high schools are not on a par with the opportunities afforded white pupils in the state, and Negro and white pupils in Kentucky do not share as rich educational opportunities as their brothers in other states around them.

For example, Mr. L. N. Taylor described the high school offerings for Negroes in Home Economics as follows:

"One field of training is an exception to this rule. That is Home Economics. Of the 4,060 girls in grades 9-12 this year (1942-43), 2,436, exactly sixty (60) percent, are being given training in this field. Yet it will have to be admitted that in some of the schools this service is characterized by inadequacy of equipment, absence of supplies, want of curriculum, and resulting casting about for something to do to keep up appearances."

It is axiomatic that the curriculum offerings in the many small Negro high schools of Kentucky are so limited that no adequate program of secondary education can be provided for Negro pupils. In many districts, courses like typing, shorthand, and various vocations available to white students in their home towns, are not available to Negro students in their home towns. The limited number of vocational courses taught in Negro high schools utilize inadequate equipment and facilities. Science courses for the most part, are taught with little or no laboratory facilities being provided. Agricultural training is limited, and more theoretical than practical. Library facilities are inferior in the Negro schools.

These limitations on curricular offerings are a logical consequence of the small high school enrollments. The roots of the condition are in the legal requirements that necessitate a special educational set-up for Negro pupils. The state has the obligation to provide for equality of educational opportunity. It is advisable that there be made a careful analysis

of the curriculum offerings in Negro high schools to determine to what extent they are helping the Negro to meet the very serious social, moral and intellectual problems he faces. Such a study should take into consideration immediate needs assured future needs, and provide for training in new fields in which the Negroes show interest.

It is surprising that so many Negro pupils are enrolled in high schools. It shows an eagerness on their part to get an education. It presents a challenge to the people of Kentucky to help them get the most out of their high school experience. In most of the counties that do not have any high schools for Negroes, the local boards of education are attempting to furnish Negroes the adequate educational opportunity by transporting them to high schools in adjoining counties, or by sending them to the boarding high school service provided by the State through a contractual agreement with Lincoln Institute. In 1944 the Legislature appropriated $42,000 per year to defray a part of the cost to provide this service at Lincoln Institute. Therefore, the cost to the county and independent boards of education has been reduced to $72.00 per year per pupil, which amount is commensurate with the average cost to educate white children, not including the cost of buildings and equipment. This is possible because Lincoln Institute is contributing its endowment income to the program.

A long range program should seek to establish several boarding or consolidated high schools in centers as near the homes of pupils as is practicable.

Mr. L. N. Taylor, in his bulletin on Negro Education 1943, writes: "The Negro high school situation is critical and becoming worse. The population has reduced so generally that most Negro pupils must be sent away either to other districts or to a state boarding high school. The cost in either case is much higher than for the same number of white pupils receiving a high school service at home.

"The feeling is expressed among superintendents that since the State provides, at liberal cost for buildings and operations, white teacher training laboratory high schools at its five normal colleges, it should provide similar for the

Negro College. Then such a school could also serve their need for a state boarding high school. One or two such schools would serve about half the counties and independent districts in the state.

"Facilities for one such school are now available to the State. Lincoln Institute in Shelby County has an area of 444.85 acres fully adequate for a good agricultural and mechanical high school. It has dormitories for 150 boarding students. As the numbers increase, additional buildings will be needed."

The State has a boarding school service also at Paducah in connection with the West Kentucky Vocational Training School. Kentucky is a long state and should provide two schools—one in the West and one in the East.

According to Mr. Taylor's report of the school census, in districts in need of the services of a state boarding high school there are 859 Negroes of high school age; and in districts lacking adequate Negro population, which in years to come will have need of such services, there are 1,132 Negro children of high school age, a total of nearly 2,000 young people.

There has been such a rapid increase in the enrollment of students at Lincoln Institute that over eighty-nine (89) girls alone were turned away this year (1944-45). When the Army and Navy ceases calling 18 year old boys, it is expected, on the basis of past experience, that as many boys as girls will seek to enroll. In other words, had times been normal, nearly 200 students would have been refused admittance to Lincoln Institute this year. The dormitories must be doubled in capacity to meet the need.

Those who favor mixed schools in Kentucky are of the opinion that a large state boarding high school to accommodate the potential Negro enrollment of even half of the 2,000 pupils of high school age would preclude the opening of white high schools to Negroes in Kentucky. In other words, the availability of a large boarding high school for Negroes would relieve the present problem of providing rural high schools for them, and at the same time would remove the economic pressure for admitting Negro pupils to the

white high schools later on. The availability of Lincoln Institute to the State, with its limited enrollment capacity of less than 200 students does not now fully meet the need.

The Board of Trustees of Lincoln Institute report a building program estimated to cost $524,000, which would increase the school's facilities to accommodate 500 students. This addition together with the present plant would cost Kentucky $1,500,000 to build. A State appropriation of $50,000 per year would be necessary, over a ten year period, to enable Lincoln Institute to undertake the above building program.

Included in the plans are vocational shops, agricultural laboratories and a project farm and home economics laboratory wherein courses may be taught to encourage Negro youth from the State's rural areas to engage in agricultural pursuits.

Plans for the extension of the West Kentucky Vocational Training School are outlined in the section of this report devoted to Vocational Training.

Kentucky should discourage the migration of its Negro youth, seeking educational and economic opportunity to urban centers of Kentucky, and to other states by offering within the State the kinds of educational programs designed to develop them into productive substantial citizens.

Consideration should be given to a program which high schools might supply students to West Kentucky Vocational Training School and Kentucky State College on the junior college and senior college basis, respectively. Coordinated planning by Lincoln Institute, West Kentucky Vocational Training School, Kentucky State College, and including possibly Louisville Municipal College would be both wise and effective thereby avoiding over-lapping and disjointed program.

Vocational training is one of the neglected phases of Negro education in the State. Industrial arts courses are offered in the schools of Louisville and Lexington, a limited offering of vocational subjects is given at Lincoln Institute.

In 1938 the State Board of Education, by legislative enactment, established West Kentucky Vocational Training

School at Paducah, Kentucky. It is supported mainly by state appropriations, but receive some allotments from Federal Vocational funds.

The school has a mechanics shop equipped with modern machinery, other shops similarly equipped, and a library containing much vocational literature. Its buildings are valued at $350,000. Its function, as stated in its charter, "Is to make available facilities for vocational training for colored children to be carried on in accordance with the state plans for vocational education."

The school's enrollment has increased more than 100% since 1942, and now serves 215 regular students, as well as, 15 handicapped returned soldiers. Larger facilities for this work are needed, particularly for the return veterans in need of training for civilian occupations.

A partially completed state industrial survey indicates openings awaiting nearly a thousand Negro tradesmen in fields covered by the school's training program. This does not include the heavy industries, nor does it cover the cities of Louisville and Lexington, the largest population centers.

The West Kentucky Vocational School has not received a single dollar for permanent improvements since its establishment, regardless of the fact that the plant was planned for an academic school, and as a consequence was not adapted to the industrial program for the biennium 1946-48.

Needs of West Kentucky Vocational Training School, as listed by its President, are as follows:

1.	Enlargement of Men's Trade Building	$10,000
2.	Foods Room added to Women's Trade Building	10,000
3.	Dormitory for men	95,000
4.	Acquisition of adjoining lots	9,500
5.	Health and Physical Education Building	42,500
6.	Annex, Trades Conference Room to Administrative Building	15,000
7.	Living Quarters for the President	7,500
8.	Machinery and Equipment for trades	5,000
		$194,500

In order to meet adequately the needs of the returning veterans, especially those who have had specialized and technical training the following procedure is hereby recommended.

1. Expand and strengthen the following courses at Lincoln Institute for rural high school students: Agriculture, Janitorial Engineering, and Building Trades.
2. Expand and strengthen all the trade courses now offered at West Kentucky Vocational School to the point where credit can be granted for two years of technical training beyond the high school level.
3. Expand and strengthen the vocational and technical offerings at Kentucky State College to the point where Negro veterans will have an equal opportunity to prepare themselves for postwar responsibilities as all other veterans.

A unified and coordinated program should be worked out for the three schools in as far as trade and technical courses are concerned. This procedure would prevent overlapping and duplication in an area where expansion is certain to come.

A number of bills have been enacted by Congress making certain grants possible for subsidizing these programs.

In meeting this responsibility, we are also laying the foundation for a sound state wide technical program of education.

At the request of the Kentucky Negro Education Association, a Negro was appointed as Assistant Supervisor of Negro Education, and began duties in September, 1945. Mr. Whitney M. Young, has, during his brief period of service in this position, made valuable contribution to the State Department through interpreting their policies to Negro communities by affording this official notice. This position should be put on a permanent basis. The salary for this service is now being contributed to the State Board of Education by Lincoln Institute, which also engages Mr. Young as Director of its Educational Program.

The State Department of Education, through its Department of Finance, is seeking to equalize the salaries of teachers

on both elementary and secondary levels in terms of preparation, length of service, and quality of service. It is gradually requiring the elimination of differentials due to race. At present, such differentials exist in one county and twenty independent districts, which is contrary to existing law and being an administrative matter should be removed at once.

Kentucky State College, Frankfort, the only State institution on the college level for Negroes, is doing a good job with limited facilities and finances. However, it has barely met the minimum requirements for accreditation by the Southern Association. Its highest enrollment in (1939) was 632 students, and its lowest (1944) was 310 students. Its campus covers thirty (30) acres, and a farm of 268.53 acres which is used for student training and to provide food for the school.

The College employs sixty (60) teachers and workers. There is a bonded indebtedness of $65,000.00 which was originally in 1935, $95,000.00 and was for the erection of a boys dormitory.

Kentucky State College offers training in the following courses:

General Home Economics, General Agriculture, General Engineering, General Science, Chemistry, Biology, Mathematics and Physics, Elementary Education, Public School Music, English Language and Literature, Business Administration, Sociology, and Economics, History and Government, Physical and Health Education. Whereas, the University of Kentucky for white students offers, on the undergraduate level, four year college courses leading to various degrees, including (1) A. B. in Journalism, (2) B. S. in Industrial Chemistry, (3) B. S. in Music, (4) B. S. in Mechanical Engineering, (5) B. S. in Metallurgical Engineering, (6) B. S. in Medical Technology, (7) B. S. in Electrical Engineering, (8) B. S. in Mining Engineering, (9) Bachelor of Laws, (10) B. S. in Laws, and (11) B. S. in Commerce.

It is believed that were Kentucky State College for Negroes inspected at this time, it would lose its rating.

There is urgent need for the strengthening of existing departments at Kentucky State College for considerable

plant expansion, for curriculum expansion based on carefully determined needs of present and prospective students, and for increase in the salaries of the faculty. Salaries are lower than those for similar personnel in state institutions in other states, thus making it difficult for Kentucky to attract and retain desirable instructors.

The capital value of Kentucky State College and the biennial appropriations made for it by the Legislature, are considerably less than those of other southern states with Negro populations equal to or smaller proportionally than that of Kentucky. (See Comparative Table Attached.)

The appropriation for Kentucky State College for the biennium 1944-46 was $150,000.

Its needs for the biennium 1946–48, stated conservatively, are:

RECOMMENDATIONS FOR IMPROVEMENT

	1946-47	*1947-48*
I. *For ordinary recurring expenses of operation and maintenance*	$150,000 (Present Appropriation)	$150,000
II. For equalizing salaries with those in other state colleges	75,000	75,000
III. For additional faculty personnel now needed	15,000	15,000
IV. For strengthening departments in equipment and library in books and furniture	60,000	16,000
V. For capital out-lay (Needs: Classroom-administration building, Library, two dormitories, dairy barn, laboratory school, infirmary, engineering building, music, faculty houses, stadium, addition to gymnasium.)	$200,000	$200,000
Total	$500,000	$500,000

FINANCIAL SUPPORT BY STATES OF STATE COLLEGES FOR NEGROES
1944-1945

STATE	Annual State Appropriation	Valuation of Plant	Student Enroll. Reg. Session	Negro Population 1940 Census	Percent of Total	Annual Expenditure Per Student
Kentucky (1)	$ 150,000	$1,048,725	426*	214,031	7.5	$ 352.
Oklahoma (1)	373,000	1,200,000	460*	168,849	7.2	811.
Tennessee (1)	500,000	.....	1,000	508,736	17.4	500.
Virginia (1)	1,196,740	2,700,621	1,121	661,449	24.7	1,067.
West Virginia (1)	621,500	2,033,294	803	117,754	6.2	773.

*1945-46

Clearly, considerable increase in the appropriation for Kentucky State College is essential to its operation on an adequate basis, and imperative, if even reasonable progress toward desirable standards is to be made.

The United States Supreme Court decision in the Lloyd Gaines case, originating in Missouri, holds that under our United States Constitution and laws whatever program of higher education the state provides for its white citizens must be open also to its colored citizens and what it does not duplicate in separate institutions in the state for the two races must be available on like terms to citizens of both races.

Our state university graduate school offers courses leading to the following degrees in graduate courses:

1. Master of Arts
2. Master of Arts in Education
3. Master of Science
4. Master of Science in Agriculture
5. Master of Science in Civil Engineering
6. Master of Science in Education
7. Master of Science in Electrical Engineering
8. Master of Science in Home Economics
9. Master of Science in Mechanical Engineering
10. Master of Science in Metallurgical Engineering

11. Master of Science in Public Health
12. Master of Science in Mining Engineering
13. Civil Engineer
14. Electrical Engineer
15. Metallurgical Engineer
16. Mining Engineer
17. Doctor of Philosophy

This outline of colleges and degrees gives only a general idea of the educational opportunities available at the University. Within the various colleges there are many possibilities of specialization and the pursuit of particular interests which are outlined in the general catalog of the University.

These graduate courses are provided by the State through taxation, are legally available to the public, and are used by the public to the exception of the Negro people.

Whether any graduate work should be offered at Kentucky State College is a question to be faced at some future time. Its consideration is not timely until present undergraduate courses are greatly strengthened and expanded.

Such college courses and services as are not given at Kentucky State College, but are given at the University of Kentucky, should be available without distinction of race. This is a field of public service to which Negro people of the State contribute and in which they have legal right, but in which they do not share.

The idea of regional universities, proposed to be established cooperatively by certain southern states to provide for Negro youth educational oppotrunities equal to those provided for white youth within the state, does not meet the requirements of the Gaines decision, as it does not provide equality of opportunity for higher education within the state.

The Anderson-Mayer Act, a Kentucky law passed in 1936, enables Negro graduate students through the aid of state scholarships, amounting to the inadequate sum of $175.00 each, to pursue in as far as possible post-graduate courses in out of state institutions, such courses being unprovided by Kentucky State College. Provision, however, is lacking for the undergraduate student to pursue out of state courses not offered at Kentucky State College.

In effect, out-of-state aid offers inducement to Negro students to leave the state and not to claim their rights within the state. It is only a temporary expedient, and not a permanent solution to the problem.

CHAPTER IV
REPORT OF COMMISSIONERS ON NEGRO HEALTH

Dr. Maurice F. Rabb, Secretary Blue Grass State Medical Association

Mrs. John G. South, State Department of Health

HEALTH ADVISORY COMMITTEE

Dr. John H. Walls, Dr. O. L. Ballard, Waverly Hills, Dr. J. B. Bell, Waverly Hills

Dr. P. E. Blackerby, State Commissioner of Health

Dr. Oscar O. Miller, President of the Kentucky State Medical Association

Dr. Carl M. Gambill, Director of the Division of County Health Work for Kentucky

HEALTH

The National Defense Program and the "War Effort" throughout the nation did much to highlight the need for increased health facilities in every community. Because good health decreased loss of man-power hours and reduced absenteeism, improved health conditions became the watchword for every locality where war industries were established. Kentucky was one of the States which received a goodly portion of war industrial plants. As a result, the attention of the State Health Department and the United States Public Health Service paid particular attention to health facilities in this area.

However, the "Quadrennial Report" July, 1939-June 30, 1943, of the State Department of Health of Kentucky, does not break its statistics regarding health conditions and facilities into sections by race. As a result, we are not able to give complete details and accurate information as to the real health conditions of Negroes in Kentucky in this report.

Kentucky took greater interest in health program of its population during the years 1939-43, because of the influx of war workers to this area, particularly the territory surrounding metropolitan Louisville, including Jeffersonville, and Charlestown, Indiana, just across the Ohio River, and the district around Covington, Kentucky, across the Ohio from Cincinnati.

The "Quadrennial Report" for these years states, Kentucky now has the largest number of units of full-time local health service of any State in the Union .... The services rendered by the State Health Department, through its central administration, have in the past four years been expanded far beyond anything undertaken before! Demands on the Department for all types of service to civilians, war industries, Army encampments, and war connected training units increased.

Counties organized for full-time public health service increased from 86 to 103—a gain of 17 counties during the four year period the report covers.

Due to the recently enacted law regarding blood tests for marriage licenses, the serological division of the State Department of Health Laboratory expanded to take care of approximately 400,000 persons a year as against a little over 100,000 annually prior to July 1, 1939.

This facility greatly enhanced the detection of venereal disease in the low income group, to which the Negro belongs, which had not had means at their disposal for such examinations. The educational program which accompanied these examinations made many of this group, perhaps for the first time conscious of the effects of venereal disease upon the population.

With the institution of the Selective Service program every State was called upon to exercise every prerogative and lend every effort possible for the prevention and control of communicable diseases with special emphasis on venereal disease. Each county health department operates a venereal disease clinic for treatment and prevention. Each health department has intensified its services to make available not only treatments, but better case-holding, so that those infected

may be kept under treatment until rendered non-infectious, and then carried further for complete cure.

It is significant that this program gave to Kentucky the first health clinic operated within a Government Housing Project—the Central Louisville Health Clinic in the Beecher Terrace Housing Project—in the country Since its establishment and operation, several have been added in other sections of the country.

Forty-seven men were secured and trained as investigators, and a number of extra nurses were added to clinic staffs throughout the State in order to improve case-finding and case-holding and augment clinic facilities for the venereal disease program.

There are no statistics available for other sections of the State, but Louisville increased its Negro public health nursing staff from 8 to 21 during this period, and a Public Health Assistant was sent to the Central Louisville Health Clinic from the United States Public Health Service.

Blood test surveys in Kentucky, made possible by the Prenatal Act, effective June 12, 1940, the Premartial Act, effective January 1, 1941, and the National Selective Service Act, have revealed enlightening facts regarding the syphilis problem. Since these mass blood testing programs were started, approximately half million persons in Kentucky have been tested for syphilis. According to the report, it is found that the disease is most prevalent in industrial areas, urban areas and in areas having a high percentage of Negro population. Statistics for the period 1941-43, reveals that the annual Negro death rate from syphilis is 44.2 per 1000 Negro population, ranking seventh in cause from all deaths. The white death rate for the same period averaged 7. persons per 1000 white population.

Since investigation bears out that a large proportion of venereal infections occur among people who are not economically able to bear the cost of medical treatment, the establishment of a treatment center with adequate personnel and equipment in all counties would be most advisable. Rapid treatment centers should also be available to low income

groups since the absence of the individual from employment causes increased strain on the income of the family.

The sanitation service included careful vigilance of all municipal water supplied in the State, both for the purposes of providing safe drinking water as well as for the prevention of sabotage. The war program made careful supervision of mosquito control, milk supply and all food handling places mandatory.

The inspection of cafes, cafeterias, restaurants and all public eating places in Jefferson County, particularly Louisville, became routine. Heretofore, eating places that catered only to Negroes escaped close supervision. A trained sanitary inspector and an army sanitation engineer were sent to the Central Louisville Health Clinic as inspectors for this area. Many eating establishments were closed periodically because of low sanitation standards—standards that did not meet the approval of the Health authorities of the Jefferson County City Health Department. This program made the Negro conscious of the diease-control program as it affected food handlers. More rigid supervision of health certificates for food handlers were instituted.

There are no available statistics on the number of hospital beds for Negroes in the State as a whole. In Louisville and Jefferson County, according to Dr. Carl M. Gambill of the State Health Department, there are 301 or 17.4% of the total beds available to Negroes. This is approximately 5.9 beds per 1000 Negro population.

The number of tuberculosis beds for Negroes is 214. A comparative death rate of white and Negro population in Kentucky for 1941-43 for selected cases of death, shows that the annual death rate of Negroes from tuberculosis alone is 128.6 per 1000 as compared to 59.0 per 1000 for whites. This is a little more than twice the number of deaths in the Negro population from tuberculosis than in the white race. "The need for providing additional sanatorium beds is particularly urgent. The vast majority of the tuberculosis in Kentucky are altogether economically unable to afford the long hospitalization and the expensive medical treatment

necessary for their relief," states the "Quadrennial Report" on Tuberculosis in Kentucky.

Several small private hospitals for Negroes are located in other cities in the State: Lexington, Frankfort, Shelbyville, Hopkinsville, and maybe several others have privately operated hospitals for Negroes. Accurate information on these has not been obtained.

The Crippled Children Commission, which received State aid for the care of crippled children, has not found adequate facilities for taking care of those children who come under their supervision in the Negro hospitals of Kentucky. Of the last remaining children under their supervision, one was placed in a hospital in Lexington and two were sent to a Tuskegee, Alabama, hospital for treatment at the expense of the Commission. One of the most urgent needs of Negroes in Kentucky is a facility to care for crippled children within the State.

In counties with first and second class cities, there are .1 Negro doctors whose average age is 57 years and whose population statistics show 1,643 persons per Negro physician. Thirty-nine counties with cities between 2,500 and 20,000 population have 27 Negro doctors whose average age is 59 years with 3,472 persons per Negro physician. Seventy-four counties with cities under 2,500 population have 2 Negro doctors whose average age is 60 with 18,252 persons per Negro physician.

This data reveals an alarming paucity of Negro doctors in Kentucky, especially in those counties where Negro population is larger than in many other counties. The average age of the Negro physician who is counted among those in the State shows that no young Negro doctors select the State as field to practice their profession. Several reasons may be advanced for the lack of recruits to the medical profession in the State, but the most obvious argument is that the lack of professional opportunities for advancement within their field is the prime factor in deciding against Kentucky as a field for any ambitious physician.

The following figures are indicative of conditions caused from low income, lack of educational facilities for overcoming

the ignorance of the fundamentals regarding health. The average annual buying income (1940) for Negroes was $187.00 and $361.00 for whites.

A study of the comparative death rates of white and Negro population in Kentucky for 1941-43 for selected causes of death according to reports from the State Department of Health shows:

Cause	Annual White Death Rate	Annual Negro Death Rate
All Causes	9.8	17.5
Tuberculosis	59.0	128.6
Pneumonia	58.6	107.2
Cancer	89.6	101.7
Infant Deaths (per 1000 live births)	48.8	73.9
Maternal Deaths (per 1000 live births)	2.9	6.5
Syphilis	7.5	44.2
Influenza	22.9	46.5

The white plague of tuberculosis and the respiratory disease seem to be more fatal to Negroes than to whites, hence: there is a more urgent need for hospitalization and public health services for Negroes. There are now but 3 Negro doctors employed in institutions and public health services, and but 214 beds available for them in tuberculosis hospitals.

Perhaps the most startling facts as to causes of death, has to do with the infant and maternal death rates. The rate among Negroes is about double that of whites. Here again is revealed the need for public health education, and the lack of services of nurses and doctors. It is reported that the chief contributing factors in the infant and maternal death rates are (1) the untrained practice of mid-wives in the rural areas, and (2) the lack of prenatal care.

Here is a great opportunity for improving the lot of the rural Negro people of the State. The establishment of a

traveling health service, stationed at the three State educational institutions, could train and license mid-wives and provide services such as afforded the mountain people of Kentucky by the Frontier Nursing Service.

CHAPTER V

REPORT OF THE COMMISSIONERS OF HOUSING

Reverend W. H. Ballew, Moderator of the Kentucky Negro Baptist Association

Mrs. W. H. Fouse, Past-President Kentucky Association of Colored Women

ADVISORY COMMITTEE

Joseph Stewart, Vice President
Fidelity & Columbia Trust Co.

M. M. Bonner, Attorney; Joseph R. Ray, Real Estate Agent; R. H. Hogan, Building Contractor; Mrs. Ethel B. Winn, Social Worker; Reverend D. E. King, Pastor

Mrs. Ora K. Glass, Past President
Kentucky Colored Parent-Teacher Association

HOUSING AND WELFARE

The war program brought into sharp focus the necessity of applying a broad concept of public welfare—that of promoting the general welfare of persons in need of some social adjustment. Migrant workers brought many Negroes from the deep South into Kentucky, particularly, to the war industrial centers like Louisville. New surroundings and new jobs called for adjustment on the part of the native Kentuckian, as well as the migrant worker.

With the war's end and the cessation of work in war industrial plants, the welfare of those who choose to remain in Kentucky should continue to be a concern of the State, unless postwar employment keeps pace with that of the war period—which, in the light of present industrial events—does not seem likely. The reconversion program will cause a reduction of outlook so far as the Negro is concerned.

During the war period the necessity of producing needed war material caused the employment of thousands of Negroes who had never been engaged in the type of work they were doing before. The President's Fair Employment Practice Committee caused many of them to be trained and hired in skilled jobs never before attempted. These opportunities have caused new hopes and ambitions in a group, who for the first time, have tasted just the first fruits of a little economic freedom and security. With the curtailment of the F.E.P.C. program, Kentucky may again find many of her citizens on relief rolls unless it institutes measures to insure Negroes an equitable share of the jobs available in her industries.

The unskilled laborer and the domestic worker constitute the two largest groups of Negro workers in the State. The Social Security Act does not include these in its program. There will be no unemployment compensation for them. "Until the Social Security Act broadens its base to include all classes of workers in its unemployment compensation plan and to arrange for dependent's allowances for wage-earners eligible for unemployment compensation; to make provisions for payments to workers incapacitated by temporary or permanent illness; and to make its public assistance section more inclusive and financed by variable grants to states on a per capita income rather than a 50-50 matching basis, there will be a continued need for general relief programs, financed either by state or local revenues," stated Louise Diecks, Director of Public Welfare, Louisville, Kentucky, in her 1944 report.

Although the exact figures are unavailable at this time, we think the percentage of Negroes requesting assistance was much larger proportionately than that of whites because the lack of educational opportunities and employment are patterns affecting Negroes as a whole in Kentucky.

The segregated pattern relegates the Negro to inadequately equipped and operated schools where his chances of acquiring skills with which he may make a decent wage are nullified. Because the majority of Negroes are untrained for those jobs which offer more pay their chances for making decent living wages are lessened, as a result, they are unable

to better their condition, and, sooner or later, become potential wards of some relief agency.

The discrimination practiced by many unions also mitigates against the employment of Negroes, in plants which have closed shops. This limits the Negroes' earning power. Seniority rights is another problem in his retention of jobs acquired during the war emergency. Being the last persons hired they, naturally, are the first laid off. All of these circumstances enter into the general welfare of the Negro in Kentucky.

It is reassuring and heartening to read in Miss Dieck's aforementioned report on Louisville that the eagerness with which former WPA workers took regular jobs was a source of great satisfaction to public assistance agencies and "disproves the contention so often heard during the years of the economic depression that great numbers of persons were becoming 'pauperized' by the public relief and WPA programs." For the year 1942-43, the number of Negro applicants for relief in the Louisville report on Welfare amounted to 51% of the total applications received, although the Negro population of Louisville constitutes only 13% of the total population. We think this low figure for a concentrated Negro populated district gives evidence of the handicaps under which the Kentucky Negro lives.

It should be revealing to have reports from other thickly Negro populated sections of the State. The earning capacity or average yearly income of the Negro is $187, compared to the yearly income of $327 for the white citizen in Kentucky. This points to low educational standards, with their concomitant low earning capacity. The annual income of 83% of the Negro families, according to a 1932 survey on Negro Housing in Louisville is less than $1200. These figures indicate that the Negro has little opportunity to save any appreciable funds for any emergency which might overtake him or his family. The only alternative is public assistance when his needs are not covered by his own means.

The housing conditions of Negroes in Kentucky are deplorable. The war period has served to aggravate this condition. The Negro suffers handicaps not common to the

majority group. Being low wage earners, they fall more in the class of tenants than any other group. Being predominantly renters they fall heir to property that has been vacated by former occupants who were able to secure better houses.

Living in houses already in great need of repair, the condition is made worse by the lack of attention by landlords to these "run-down" conditions. The landlords charge excessive rents, but do not invest any of the income from the rents in property upkeep. This vicious practice blights the communities with slum areas, most of which are populated by Negroes.

One-third of the Negro families own the places they live in as compared with nearly half the white families. In the urban area, Negroes own just a little over 25% of the places they live in, while the white families own 40%.

Low income is undoubtedly one of the factors underlying bad housing for Negroes. Lack of financial resources would be a barrier to owners desiring to improve their homes, as well as, to tenants who wish to live in better houses.

A recent comparative study of housing for Negroes for the Commission revealed that one-third of the Negro families owned their homes as compared to nearly half the white families. In the urban centers and rural farm areas the percentage of home owners was much lower for Negroes than for whites. However, in the rural non-farm towns Negroes were better off than whites in this respect.

The study of Negro housing is revealing of the effect of occupational status upon family life and habits. The travesty of this is comparable to the cobbler's children having no shoes, because most Negro women are employed as household workers caring for the homes of other people. The key to most of the problems of all races of people is rooted in the home.

TABLE

Occupied Dwelling Units by Tenure and by Race of Occupants Kentucky, 1940 (Percent)

Tenure	Total	White	Negro
Owner-occupied	48	49.4	33.7
Tenant-occupied	52	50.6	66.3
Urban			
Owner-occupied	38	40	26.8
Tenant-occupied	63	60	73.2
Rural Non-Farm			
Owner-occupied	58.3	41.2	47.1
Tenant-occupied	41.7	58.8	52.9
Rural Farm			
Owner-occupied	60.7	61.4	39.5
Tenant-occupied	39.3	38.6	60.5

Although ownership is usually associated with better housing, nearly equal percentages of owner and tenant-occupied Negro dwellings were in need of major repairs. A comparison shows these percentages to be 38 and 37 respectively, as against 24 and 30 for white families. Ownership of homes is discouraged among Negro people by the presence of restricted covenants in titles to real estate. This tends to segregate Negro families in districts where the value of property is depreciated and does not present a favorable investment to Negro families who are able to buy or build a home. The practice of restricted covenants has been proven unconstitutional in the Federal Courts. It is recommended that study of the legal aspect of the problem be made and that an act of legislation be passed to prohibit and void restrictive covenants in Kentucky.

It is usually true also that overcrowding is associated with low economic status and poor housing, but this is not true with Kentucky Negroes. Although too many tenant occupied dwellings of both races were overcrowded, more than 1.5 persons per room, this condition was less acute for Negroes than for whites. It is possible that the difference between the size of Negro and white families is a contributing factor. The average number of persons per family for whites

is 4.2 and for Negroes 3.3, as reported by the State Department of Health.

Nothing breeds criminals more than the squalid and unwholesome conditions in which pauperized people are forced to live. The human being has to have an incentive to be good. Unfortunately, this is a matter of cultivation. It is a result of environmental influences. Because of the discrimination practiced on the Negro group by law enforcement officers, the statistics for crime and misdemeanors show an overwhelming percentage of arrests and convictions. The Louisville Welfare Report indicates that over 29% of the daily inmate population of the workhouse were Negroes over a three year period, although the Negro constituted only 13% of the total population.

Better educational, economic, and living opportunities would aid immeasurably in decreasing this figure.

Information received from sources in the State reveals there is no training program at all for Negroes in the Greendale Reformatory, although there is a training program for the white inmates. For some time there has been expressed dissatisfaction with the housing of Negro delinquent and dependent children at Ormsby Village.

Numerous reports have indicated the inadequacy of the National Home Finding Society conducted by Reverend O. O. Singleton for Negro dependent children. To date, the State of Kentucky has done nothing more than criticize this institution without providing any other program, although white children are wards of the State and are housed in a modern institution at Lyndon, Kentucky.

In the annual report of the Department of Welfare of the State for 1945 is this statement: "In all the institutions under the direction of the Department of Welfare, except one, we care for both white and colored patients and inmates. The one exception is the Kentucky Children's Home, which serves as a receiving center for the Division of Child Welfare and operates a training program for white children until suitable homes can be found for them."

The report states that similar arrangements for colored children are most necessary and that an architect has been

commissioned to draw plans for a similar receiving home for colored children. The plans are expected to be "completed shortly" and to proceed with matter during the coming fiscal year. Meanwhile the "colored wards are being cared for in approved boarding homes." Several colored workers are on the Staff of the Division of Child Welfare.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 188. An Act relating to the office of assessor in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.100, Kentucky Revised Statutes, is hereby amended and as amended reads:

The Director of Finance shall appoint an assessor who shall hold office until he resigns or is removed. The Director of Finance may, subject to the approval of the Mayor, remove the assessor at any time. The assessor shall assess all property in the city subject to taxation. The assessor shall appoint, with the approval of the Director of Finance, such deputies and assistants as are allowed to him by ordinance. The assessor may, subject to the approval of the Director of Finance, remove any deputy or assistant at any time. The manner in which the assessor shall perform his duties and exercise his powers shall be determined by ordinance. The assessor shall give bond with surety to be approved by the Director of Finance. The assessor and his deputies may administer and certify oaths.

This act insofar as it relates to offices with a term, shall as to each such office, take effect at the expiration of the term of the present incumbent.

Section 2. Whereas under existing statutes the Director of Finance is charged with general supervision of the city assessor and the receiver of city taxes and the administration of their offices, and

WHEREAS it is of urgent importance for the proper administration of the fiscal affairs of the cities of the first class that the authority of the Director of Finance be uniform as to the office of assessor and tax receiver, and WHEREAS a dissimilarity now exists which this act will correct, and make the administration uniform, an emergency is declared to exist and this act shall become effective immediately upon passage and approval by the Governor.

Mr. Howell moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected, having failed to receive a Constitutional majority.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	Jerry F. Howell	J. W. Simmons
Harold L. Barnes	Ira W. Hulette	Luther Slusher
F. H. Bassett, Jr.	Paul Jonas	Forrest Smith
B. J. Bonn	Edgar Kitchen	W. R. Smith
J. C. Bradley	A. L. Love	Ralph G. Stone
John Y. Brown	F. G. Marquette	E. L. Thompson
Chas. W. Burnley	E. H. Martin	E. N. Todd
Adron Doran	W. E. McClure	Walter L. Trivette
G. I. Drury	J. Lee Moore	S. J. Wagner
Forest C. Easley	Fred Morgan	Harry F. Walters
Tom Gilliam	Louis T. Peniston	W. W. Webster
M. B. Gilligan	L. W. Preston	Geo. J. Weining
Otto W. Goff	E. F. Prichard	Rodney Whitlow
E. R. Hilton	Kelse H. Risner	John Wilborn
Clyde S. Howard	Amos Runyan	—44

Those who voted in the negative were—

Ott Begley	Harold G. Helm	E. C. Mullins
Jack Bingham	Maurice Howard	J. C. Newcomb
B. K. Brantley	J. J. Huff	Sylvester Phillips
L. A. Demumbrun	L. H. Jones	Hobart Rayburn
E. R. Denny	Homer E. Losey	E. A. Spencer
Bernie S. Edlin	E. J. Lucas	Ray G. Tipton
Eck Embry	Ed Marcum	Lyle H. Webb
R. R. Ernst	Joe T. Morgan	Lawrence Wells
A. H. Eversole		—25

Mr. Stone moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Howell moved that said bill be laid on the Clerk's Desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 300. An Act relating to public health, with particular relation to pharmacists.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Definitions. As used in this Act, unless the context otherwise required:

(1) "Pharmacy" means every place where:

(a) Drugs are dispensed, or sold at retail, or displayed for sale at retail, or

(b) Where prescriptions are compounded, or

(c) Which has upon it or displayed within it, or affixed to or used in connection with it a sign bearing the term

"pharmacists", "pharmacy", "apothecary", "drug", "drug store", "druggists", "drugs", "medicines", "medicine store", "drug sundries", "remedies", or any term of similar or like import, or any place with respect to which any of those terms are used in any advertisement or telephone directory listing; or

(d) Where the characteristic show bottles or colored globes are exhibited.

(2) "Drug" means every article, other than food and other than devices or their components, parts or accessories, that is:

(a) Intended for use in the diagnosis, cure, mitigation, treatment or prevention of diseases in man or other animals; or

(b) Intended to affect the structure or any function of the body of man or other animals; or

(c) Intended for use as a component of any articles specified in paragraph (a) or (b) of this subsection.

(3) "Prescription" means an order written by a legally competent practioner of medicine, dentistry or veterinary medicine, for the prepartion and use of a drug.

(4) "Pharmacist, Druggist, Pharmaceutist or Pharmaceutical Chemist", means any person who is licensed by the Kentucky Board of Pharmacy to practice Pharmacy.

(5) "Poison" means any drug or chemical that according to standard medical works is liable to destroy adult human life in quantities of 60 grains or less, or any mixture or preparation containing 60 grains or less, a sufficient quantity or such drug or chemical as to make the same liable to be destructive to adult human life if 60 grains or less is taken.

Sec. 2 PHARMACISTS REQUIRED TO REGISTER. Except as provided in sections 22 to 25 of this Act no person shall practice pharmacy or hold himself out as a pharmacist without being registered by the Kentucky Board of Pharmacy.

Sec. 3 PHARMACIES REQUIRED TO OBTAIN PERMIT. No person shall open, establish, operate or maintain a pharmacy without obtaining a permit from the Kentucky Board of Pharmacy.

Sec. 4 PERSONS MANUFACTURING OR PREPARING DRUGS REQUIRED TO OBTAIN PERMIT. No person shall manufacture, make, produce, package or prepare any drug for resale without obtaining a permit from the Kentucky Board of Pharmacy. The permit shall be subject to such rules and regulations wtih respect to sanitation and equipment as the Board may adopt from time to time for the protection of the public health and safety.

Sec. 5 WHOLESALERS, JOBBERS OR DISTRIBUTORS OF DRUGS REQUIRED TO OBTAIN PERMIT. No person shall sell, offer for sale, vend or distribute at wholesale or as a jobber, broker, agent or distributor or for resale in any manner in this state any drugs without obtaining a permit from the Kentucky Board of Pharmacy. The provisions of this section shall not apply to the retail sale of harmless drugs or medicines by retail grocery stores, general stores or peddlers.

Sec. 6 PERMIT REQUIRED FOR AUCTION SALE OF DRUGS. No person shall sell or offer for sale at public auction or sell or offer for sale at private sale in a place where public auctions are conducted, any drugs without obtaining a permit from the Kentucky Board of Pharmacy. The permission of the Board shall be obtained in every instance where any of the products covered by this section are to be sold or offered for sale.

Sec. 7 PERMIT REQUIRED FOR DISTRIBUTION OF SAMPLES OF DRUGS. No person shall in any manner distribute or dispose of samples of any drugs, except to physicians, dentists, pharmacists and veterinarians for use in their professions, without obtaining a permit from the Kentucky Board of Pharmacy. The permission of the Board shall be obtained in every instance where any of the samples referred to in this section are to be distributed or otherwise disposed of. The permission shall cover such territory as is prescribed by the Board.

Sec. 8 PHARMACIES MUST HAVE REGISTERED PHARMACIST IN CHARGE. Every pharmacy shall have a registered pharmacist on duty at all times, who shall be in charge of the pharmacy and who shall, in good faith, devote all of his time to the pharmacy.

Sec. 9 MANUFACTURE OR PREPARATION OF DRUGS TO BE UNDER SUPERVISION OF REGISTERED PHARMACIST OR OTHER APPROVED PERSON. No person shall manufacture, make, produce, package, pack or prepare any drugs, except under the personal and immediate supervision of a registered pharmacist or such other person as may be approved by the Kentucky Board of Pharmacy after an investigation and a determination by the Board that he is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety.

Sec. 10. SALE OF DRUGS LIMITED TO PHARMACIES; ACTUAL SALE MUST BE BY REGISTERED PHARMACIST. (1) Except as otherwise provided in this Act the sale and distribution of drugs is limited to pharmacies operating under permits. The actual sale or distribution shall be made by a registered pharmacist or a person acting under his immediate personal direction and supervision, subject to the provisions of subsection (2) of this section.

(2) The sale of drugs that contain poisonous, potent or deleterious ingredients shall be made by a registered pharmacist only and he shall make known to the purchaser at the time of the sale, the nature of such drug.

(3) Drugs declared to be "dangerous drugs" by the Director of the Federal Security Agency, pursuant to the authority conferred upon him by the Federal Food, Drug and Cosmetic Act, shall be distributed or dispensed upon prescription only.

(4) It is further provided that nothing in this Act or any Act seeks to limit, restrict, or prohibit the sale of harmless drugs and patent medicines in the original package by any store in the Commonwealth of Kentucky.

(5) Nothing in this Act shall interfere with the professional activities of any licensed practicing physician, dentist or veterinarian, or prevent him from keeping any drug or medicine that he may need in his practice, from compounding his own prescriptions, or from supplying to his patients any article that seems to him proper.

Sec. 11. PRESCRIPTIONS. (1) Prescriptions shall be compounded and dispensed by registered pharmacists only, and in a pharmacy operating under a permit.

(2) Every pharmacy shall preserve on file for a period of five years, every prescription compounded or dispensed at the pharmacy. The file of prescriptions shall at all times during business hours be open to inspection by the members of the Kentucky Board of Pharmacy and the Department of Health, or their duly authorized representatives.

Sec. 12—POISONS—HOW TO BE SOLD—REGISTER KEPT. (1) Except as provided in this section, all poisons must be sold by a registered pharmacist in a pharmacy operating under a permit. No registered pharmacist shall sell at retail any poison without affixing to the bottle, box, vessel, or package containing the same, a label printed or plainly written containing the name of the article, the word "Poison" and the name and place of business of the seller with the common name of two or more readily accessible antidotes, nor shall he deliver poison to any person without satisfying himself that such poison is to be used for a legitimate purpose and without advising the purchaser the poisonous character of the preparation sold. It shall further be the further duty of any registered pharmacist selling or dispensing poisons which are known to be destructive to adult human life in quantities of 5 grains or less, before delivering them, to enter into a book kept for that purpose the name of the seller, the name and residence of the buyer, the name of the article, the quantity sold or disposed of and the purpose for which it is said to be intended.

(2) This book of registry shall be known as the "poison register" and shall be preserved for at least five years after the date of the last entry made therein. Only the retail sale of poisons shall be registered in the poison register. The poison register shall at all times be open to the inspection of the coroner of the County in which the same may be kept and to the inspection of members of the Kentucky Board of Pharmacy or its authorized agents.

(3) The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or doses on physicians', dentists' or veterinarians' prescriptions nor

to the sale to agriculturists and horticulturists of such articles as are commonly used by them as insecticides in the original package.

Sec. 13 EMMENAGOGUES OR ABORTIVES SOLD ON PRESCRIPTION ONLY. The following emmenagogues or abortives; tansy, pennyroyal, rue, savin, ergot, cotton root and their preparations, patent or otherwise or any new or used drug and their preparations that could produce abortions shall be sold at retail or dispensed upon the original written prescription of a legally qualified physician, dentist or veterinarian. Said prescription shall be filled but once and of which no copy shall be taken by any person.

Sec. 14 KENTUCKY BOARD OF PHARMACY; ORGANIZATION; MEMBERSHIP. (1) There shall be a Kentucky Board of Pharmacy, consisting of five members appointed by the Governor from lists of names submitted by the Kentucky Pharmaceutical Association. The Board shall be a continuation of the Kentucky Board of Pharmacy created by Chapter 54 of the Acts of 1938.

(2) At its regular meeting each year, the Kentucky Pharmaceutical Association shall nominate and submit five qualified candidates from its membership. The Governor shall, before October 1 of each year, appoint one person from the names so submitted, but may reject any list and require the submission of other lists. The members appointed in 1946, 1947, 1948, 1949 and 1950 shall succeed the members of the Board created by Chapter 54 of the Acts of 1938 whose terms expire in those years. The members thereafter appointed shall succeed those under this Act.

(3) Each member shall hold office for five years and until his successor is appointed and has qualified, unless sooner removed for cause. No member shall be reappointed within one year of the expiration of his term of office. Any vacancy that occurs in the Board shall be filled for the unexpired term by the Governor from the list of names last submitted.

(4) No person shall be appointed to the Board unless he is and has been for at least five years a registered pharmacist in this State, and unless he is actively engaged in a re-

tail pharmacy. Not more than two members of the Board shall be residents of the same county.

Sec. 15 OFFICERS AND EMPLOYEES OF THE BOARD. The Kentucky Board of Pharmacy shall meet in January each year and organize by the election of a President, Vice-President and Executive Secretary-Treasurer, who shall serve for a term of one year and shall perform the duties prescribed by the Board. The President and Vice-President shall be elected from the members of the Board. The Executive Secretary-Treasurer need not be a member of the Board, but shall be a registered pharmacist. The Board may employ such investigators, chemists, agents and other assistants as it deems necessary to carry out the provisions of this Act.

Sec. 16 MEETINGS OF THE BOARD. (1) The President of the Kentucky Board of Pharmacy shall preside at all of its meeting. In his absence or disability the Vice-President shall preside.

(2) The Board shall hold meetings for the examination of applicants for registration, to grant certificates of registration and permits, and for the transaction of such other business as may lawfully come before it biannually in such cities as the Board may select, and shall continue in session from day to day until its business is disposed of. Additional meetings may be called if deemed necessary by a majority of the members of the Board. Three members shall constitute a quorum. Due public notice of examinations shall be given at least thirty days in advance of such examination.

Sec. 17. COMPENSATION AND EXPENSES OF BOARD MEMBERS. Each member of the Kentucky Board of Pharmacy shall receive fifteen dollars for each day actually engaged in the service of the Board. Each member shall receive his traveling expenses and all necessary expenses incurred in the performance of his official duties.

Sec. 18 RULES AND REGULATIONS; REPORTS. The Kentucky Board of Pharmacy shall make such rules and regulations, consistent with law, as are necessary to carry out the purposes and enforce the provisions of this Act. The Board shall make an annual written report to the Kentucky

Pharmaceutical Association of its proceedings and of its receipts and disbursements, including a list of the names of all persons registered and a record of permits and renewals.

Sec. 19 POWER OF INSPECTION. The Kentucky Board of Pharmacy and its duly appointed agents may inspect in a lawful manner the drugs that are manufactured, packed, packaged, sold, offered for sale, exposed for sale or kept for sale in this state, and for the purpose may enter and inspect, during business hours, any place in this state where drugs are manufactured, packed, packaged, made, sold, offered for sale, exposed for sale, dispensed or kept for sale.

Sec. 20 EXECUTIVE SECRETRY-TREASURER OF THE BOARD; BOOKS AND RECORDS. The Executive Secretary-Treasurer of the Kentucky Board of Pharmacy shall be the executive officer in charge of the office of the Board. He shall make, keep and be in charge of all records and record books required to be kept by the Board, including a record of all registrations, and shall attend to the correspondence of the Board and perform such other duties as the Board may require in keeping with the office of Executive Secretary-Treasurer. He shall receive and receipt for all fees collected and shall pay them over to the State Treasurer.

(2) The Executive Secretary-Treasurer shall give bond, in an amount fixed by the Board for the faithful performance of the duties of his office. He shall receive such salary as the Board may determine. He shall be permitted such office help as is deemed necessary by the Board. He shall also receive his traveling expenses and all necessary expenses incurred in the performance of his official duties.

(3) The books, registers and records of the Board as made and kept by the Executive Secretary-Treasurer or under his supervision subject to the direction of the Board, shall be prima facie evidence of the matter therein contained in any court of law.

Sec. 21. LICENSE CERTIFICATES. Every license certificate shall have plainly written, printed or stamped upon its face the words: "Revocable for causes specified by law"; and "Awarded upon examination."

Sec. 22 PHARMACISTS REGISTERED UNDER FORMER LAWS. Persons who hold unexpired certificates of registration as pharmacists in this State granted under former laws, need not register under this Act, but shall secure annual renewals as provided in this Act, and in all other respects shall be amenable to the provisions of this Act.

Sec. 23 PHARMACISTS REGISTERED IN OTHER STATES; RECIPROCITY. The Kentucky Board of Pharmacy may register as a pharmacist, without examination, upon payment of the fee prescribed by Section 27, sub-section (2) of this Act, any citizen of the United States who is duly registered by examination in any other state, that under like conditions, grants registration as a pharmacist without examination, to pharmacists registered by examination in this State. Before being registered the person must produce evidence satisfactory to the Board that he is possessed of good character and morals, and has had the secondary and professional education and training required of applicants for registration under this Act, except that persons of good character and morals who were registered as pharmacists by examination in other states prior to the time this Act became in force shall be required to satisfy only the requirements that existed in this State at the time they were registered.

Sec. 24. ASSISTANT PHARMACISTS. Persons who hold unexpired certificates of registration as assistant pharmacists, granted under former laws, shall continue to hold their status as registered assistant pharmacists, but shall be required to renew their certificate annually in the same manner as certificates of registered pharmacists are renewed. Persons who hold such certificates may be licensed to practice pharmacy as registered pharmacists, upon passing an examination prescribed by the Kentucky Board of Pharmacy. Registered assistant pharmacists may have charge of a pharmacy during the temporary absence of the registered pharmacist, but such absence shall not be for a period longer than thirty days in any calendar year. Whenever such absence is for a period of twenty-four consecutive hours or longer, the proprietor, owner, manager or person in charge of the pharmacy shall immediately notify the Execu-

tive Secretary-Treasurer of the Board the number of days his store will be in charge of registered assistant pharmacist and shall give the name of the assistant. The provisions shall not be employed as a subterfuge or trick to defeat the requirements that all pharmacies shall be in charge of a registered pharmacist.

Sec. 25. CONDITIONS OF ISSUANCE OF PERMIT FOR PHARMACY; EQUIPMENT REQUIRED OF PHARMACIES. (1) No permit shall be issued for the conduct of a pharmacy except upon evidence satisfactory to the Kentucky Board of Pharmacy that:

(a) The pharmacy for which the permit is sought will be conducted in full compliance with the law and the rules and regulations of the Board.

(b) The personnel and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety.

(c) The pharmacy will be constantly under the personal and immediate supervision of a registered pharmacist; and

(d) The person applying for the permit is qualified to conduct the pharmacy;

(e) All current permits must be conspicuously displayed visible to the general public.

(2) Every pharmacy must be equipped with proper pharmaceutical utensils so that prescriptions can be properly filled and United States Pharmacopoeia and National Formulary preparations properly compounded. The Kentucky Board of Pharmacy shall prescribe the minimum of such professsional and technical equipment which a pharmacy shall at all times possess and such list shall include the latest revision of the United States Pharmocopoea and the National Formularly, and all supplements to either of them. The premises of every pharmacy shall be equipped with proper sanitary appliances and kept in a clean and orderly manner. No permit shall be issued or continued for the conduct of a pharmacy unless the provisions of this sub-section are complied with.

Sec. 26 APPLICATION FOR REGISTRATION AND FOR PERMITS; FORMS; TIME. (1) Applications for registration as a pharmacist or for a permit required by sec-

tions 3 to 8 of this Act shall be made on forms prescribed and furnished by the Kentucky Board of Pharmacy.

(2) Applications for registration as a pharmacist shall be filed with the Board at least ten days before any stated meeting of the Board at which examinations are to be held.

(3) Applications for a permit to open a new pharmacy shall be made at least thirty days before the pharmacy is to be opened for business.

Sec. 27 FEES; ORIGINAL AND RENEWAL. (1) Every application for registration as a pharmacist must be accompanied by an examination fee of not less than ten dollars nor more than twenty-five dollars as the Board shall from time to time prescribe. Every registered pharmacist shall, between January 1 and March 1 of each year, pay a renewal fee of not more than six dollars, as the Board shall from time to time prescribe.

(2) Every application by a pharmacist registered in another state for registration as a pharmacist in this state shall be accompanied by a fee prescribed by the Board.

(3) Every registered assistant pharmacist shall between January 1 and March 1 of each year, pay a renewal fee of not more than four dollars as the Board from time to time shall prescribe.

(4) All current renewals of registered pharmacists and registered assistant pharmacists must be conspicuously displayed visible to the general public.

(5) Every application for a permit required by sections 3 to 8 of this Act and every application for a renewal thereof, shall be accompanied by the following fee:

(a) For the permit required by Section 3, not less than five dollars nor more than ten dollars, as the Board may determine.

(b) For the permit required by section 4, ten dollars.

(c) For the permit required by section 5, ten dollars.

(d) For the permit required by section 6, ten dollars.

(e) For the permit required by section 7, twenty-five dollars.

Sec. 28 DISPOSITION OF FEES. The Kentucky Board of Pharmacy shall each year, turn over to the Ken-

tucky Pharmaceutical Association, for the advancement of the art and science of pharmacy, out of the annual renewal fees collected by the board, the sum of two dollars for each registered pharmacist and assistant pharmacist who has paid his renewal fee during that year. All other fees shall be paid into the State Treasury and placed in a revolving fund to be spent by the Board for the enforcement of this Act.

Sec. 29 EXPIRATION AND RENEWAL OF REGISTRATIONS AND PERMITS. (1) All certificates of registration and all permits shall expire on Deceber 31, following the date of issue and shall be renewed annually. Application blanks for renewals of pharmacists registrations shall be mailed by the Board to each registered pharmacist and each registered assistant pharmacist in December each year.

(2) If the renewal fee for any pharmacist's certificate, the holder of which is actively engaged in the practice of pharmacy, is unpaid by March 1 of any year, the certificate shall be void, but the holder thereof may be reinstated as a registered pharmacist upon payment of a penalty of one dollar and all lapsed fees, unless he has failed to secure his annual renewal registration for a period of five consecutive years, in which case he shall not be entitled to renew his registration except upon payment of all back renewals and passing a satisfactory examination before the Kentucky Board of Pharmacy.

(3) Application blanks for renewal of permits shall be mailed by the Kentucky Board of Pharmacy to each permittee on or before November 1 of each year. If application for renewal is not made on or before the following December 1, the existing permit shall lapse and become void on the date of its expiration, and no new permit shall be granted except upon evidence satisfactory to the Board of good and sufficient grounds of failure to file the application for renewal within the time prescribed.

Any registered pharmacists or assistant registered pharmicist who leaves his occupation for full time active service in any recognized branch of this Nation's Armed Military Forces during the time of War, shall, upon presentation of suitable evidence to the Executive Secretary-Treasurer of the

Kentucky Board of Pharmacy, be exempted from payment of the renewal fees required by section 27 of this Act.

Sec. 30 SEPARATE PERMITS FOR EACH PLACE OF BUSINESS; PERMITS TO BE DISPLAYED; NON-TRANSFERABLE. Separate application shall be made and separate permits issued for each separate place at which is carried on any of the operations for which a permit is required by section 3 to 6 and 7 of this Act. Each permit issued under this Act shall be conspicuously exposed to the general public in the place for which it was granted. Permits shall not be transferable.

Sec. 31 REFUSAL, RECOVATION OR SUSPENSION OF REGISTRATIONS AND PERMITS. (1) The Kentucky Board of Pharmacy may, after notice and hearings as prescribed in section 32 of this Act refuse, revoke or suspend the certificate of registration of any pharmacist when the Board finds that the certificate was obtained by fraudulent means, or when the registrant has been convicted of a felony, or of a violation of any statute, enacted for the protection of public health; or is found by the Board to be guilty of gross immorality or to be addicted to the liquor or drug habit to such a degree as in the opinion of the Board renders him unfit to compound, sell or dispense drugs and medical supplies.

(2) The Board may, after notice and hearing as prescribed in section 32 of this Act, refuse, revoke or suspend any permit when the Board finds that the permit was obtained by fraudulent means, or that the operations for which the permit was issued or is applied for are not being conducted or will not be conducted according to law or are being so conducted as to endanger the public health and safety.

Sec. 32 HEARINGS. (1) The Kentucky Board of Pharmacy may, on its own motion or on a verified complaint, issue a notice to any registrant or permittee to show cause why his certificate or permit should not be suspended or revoked, or a notice to any applicant to show cause why his application for registration or for a permit should not be denied. The notice shall contain a copy of the charge and shall state the time and place at which the hearing is to be conduct-

ed. The date of the hearing shall not be less than ten days from the date the notice is received by the applicant, registrant or permittee.

(2) Members of the Board and its Executive Secretary-Treasurer may administer oaths and take evidence in any hearing conducted by the Board. The Board shall at all hearings, receive the testimony of all witnesses and accept all documentary evidence relevant to the issue.

Sec. 33 APPEALS. Any person having an interest in the matter may, within thirty days of the effective date of the order, appeal from any order of the Board denying, revoking or suspending a certificate or permit, by filing a certified copy of the order in the Franklin County Circuit Court together with a bond approved by the Clerk to insure the payment of costs. The appeal shall be docketed and tried in the manner provided by law for equity cases. From the judgment of the Franklin Circuit Court any party having an interest therein may appeal in the manner provided by law to the Court of Appeals.

Sec. 34 RELIEF BY INJUNCTION. The Kentucky Board of Pharmacy may, in addition to the criminal penalties prescribed for violating this Act apply to a court having jurisdiction for an injunction to restrain repetitious violations of the provisions of this Act.

Sec. 35 PENALTIES. Any person who violates any of the provisions of this Act shall be fined not less than one hundred dollars or imprisonment in the County Jail for not more than 90 days, or both, for each violation and each day the violation continues shall constitute a separate and distinct offense. Upon conviction of a permittee, his permit may be revoked by the Kentucky Board of Pharmacy and become void, without notice of hearing.

Sec. 36. REPEALS. Sections 315.010, 315.020, 315.030, 315.040, 315.060, 315.070, 315.080, 315.085, 315.090, 315.100, 315.110, 315.115, 315.120, 315.130, 315.140, 315.150, 315.160, 315.170, 315.180, 315.190, 315.210, 315.990, 217.400 and 217.990 (9) Kentucky Revised Statutes are repealed.

Sec. 37 TIME OF TAKING EFFECT. This Act shall not become effective until January 1, 1947.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 315.220, and to read as follows:

No person shall manufacture, make, produce, pack, package or prepare within this state any drug for resale without obtaining a permit from the Kentucky Board of Pharmacy. The permit shall be subject to such rules and regulations with respect to sanitation and equipment as the board may adopt from time to time for the protection of public health and safety. A fee for each permit shall be $10, which fee shall be paid to the board at the time of applying for the permit.

§ 2. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 315.230, and to read as follows:

No person shall sell or offer for sale at public auction, or sell or offer for sale at private sale in a place where public auctions are conducted, any drugs, without obtaining a permit from the Kentucky Board of Pharmacy. A permit from the board shall be obtained in every instance where any of the products covered by this section are to be sold or offered for sale. A fee for each permit shall be $10, which fee shall be paid to the board at the time of applying for the permit.

§ 3. A new section to the Kentucky Revised Statutes is created, to be numbered KRS 315.240 and to read as follows:

It shall be unlawful to sell at retail any drug which contains any quantity of aminopyrine, barbituric acid, cinchophen, dinitrophenol, pituitary, sulfanilmide, thallium acetate, thyroid, or their derivatives, or a drug or device the label of which bears a statement that it is to be dispensed or sold only by or on the prescription of a physician, dentist or veterinarian, unless it is sold on a written prescription signed by a member of the medical, dental, or veterinary profession who is licensed by law to administer such drug or device, and its label bears the name and place of business of the seller, the

serial number and date of such prescription, and the name of such member of the medical, dental, or veterinary profession. Provided, however, that any drug or device mentioned in this section may be sold without a prescription under such exceptions, exemptions, modification, or regulations as may be made from time to time by the Director of the Federal Security Agency.

§ 4. Nothing in KRS 315.220, 315.230 or 315.240 is intended to interfere with the professional activities of any licensed druggist, physician, dentist or veterinarian, or to prevent him from keeping any drugs or medicine that he may need in his practice, or from compounding his own prescriptions, and from supplying to his patients any articles that seem to him proper.

§ 5. Section 315.160 of the Kentucky Revised Statutes is amended to read as follows:

The Kentucky Board of Pharmacy shall meet in January each year and organize by the election of a president, vice president and an executive secretary-treasurer, who shall serve for a term of one year and shall perform the duties prescribed by the board. The president and vice president shall be elected from the members of the board. The executive secretary-treasurer need not be a member of the board, but shall be a registered pharmacist. The board may employ such investigators, chemists, agents and other assistants as it deems necessary to carry out its functions. Each member of the board shall receive fifteen dollars for each day actually engaged in the service of the board, and each member shall receive his traveling expenses and all necessary expenses incurred in the performance of his official duties.

§ 6. Section 315.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The executive secretary-treasurer of the board shall be the executive officer in charge of the office of the board. He shall make, keep and be in charge of all records and record books required to be kept by the board, including a record of all registrations, and shall attend to the correspondence of the board and perform such other duties as the board

may require in keeping with the office of executive secretary-treasurer. He shall receive and receipt for all fees collected and shall pay them over to the State Treasurer.

(2) The executive secretary-treasurer shall receive such salary as the board may determine. He shall be permitted such office help as is deemed necessary by the board. He shall also receive his traveling expenses and all necessary expenses incurred in the performance of his official duties.

(3) The books, registers and records of the board as made and kept by the executive-secretary or under his supervision subject to the direction of the board, shall be prima facie evidence of the matter therein contained in any court of law.

§ 7. Section 315.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board shall examine all applicants, grant licenses, report annually to the Governor and to the association upon the conditions of pharmacy in the state. Such report shall also furnish a record of the proceedings of the board for the year, the names of all persons licensed under this chapter, and an account of all money received and expended by the board.

(2) The board shall keep a book of registration in which shall be entered the name and place of business of every licensed pharmacist and assistant pharmacist. The board may make bylaws for the proper execution of its duties.

(3) The board shall investigate all complaints of violations of this chapter and shall bring all such cases to the notice of the proper authorities in the district where the alleged violator is doing business.

(4) The president of the board shall preside at all of its meetings. In his absence or disability the vice president shall preside. The board shall hold meetings for the examination of applicants for registration, to grant certificates of registration and permits, and for the transaction of such other business as may lawfully come before it, semi-annually in such cities as the board may select, and shall continue in session from day to day until its business is disposed of.

Additional meetings may be called if deemed necessary by a majority of the members of the board. Due public notice of examinations shall be given at least thirty days in advance of such examination.

§ 8. Section 315.210 of the Kentucky Revised Statutes is amended to read as follows:

The board may register as a pharmacist, without examination, upon payment of a fee prescribed by the board, any citizen of the United States, who is duly registered by examination in any other state, that under like conditions, grants registration as a pharmacist, without examination, to pharmacists registered by examination in this state. Before being registered the person must produce evidence satisfactory to the board that he is possessed of good character and morals, and has had the secondary and professional education and training required of applicants for registration under this chapter, except that persons of good character and morals who were registered as pharmacists by examination in other states prior to the time the 1946 amendment to this section became in force shall be required to satisfy only the requirements that existed in this state at the time they were registered.

§ 9. Section 315.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board may, after notice and hearing as prescribed in subsections (2) and (3) of this section, refuse, revoke or suspend the certificate of registration of any pharmacist or assistant pharmacist when the board finds that the certificate was obtained by fraudulent means, or when the registrant has been convicted of a felony, or of a violation of any statute enacted for the protection of public health; or is found by the board to be guilty of gross immorality or to be addicted to the liquor or drug habit to such a degree as in the opinion of the board renders him unfit to compound, sell or dispense drugs and medical supplies.

(2) The board may, on its own motion or on a verified complaint, issue a notice to any registrant to show cause why his certificate should not be suspended or revoked, or a notice

to any applicant to show cause why his application for registration should not be denied. The notice shall contain a copy of the charge and shall state the time and place at which the hearing is to be conducted. The date of the hearing shall not be less than ten days from the date the notice is received by the applicant or registrant.

(3) Members of the board and its executive secretary-treasurer may administer oats and take evidence in any hearing conducted by the board. The board shall, at all hearings, receive the testimony of all witnesses and accept all documentary evidence relavent to the issue.

§ 10. Section 315.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person who violates any of the provisions of this chapter, shall, for each offense be fined not less than one hundred dollars or imprisoned in the county jail for not more than ninety days, or both, and each day the violation continues shall constitute a separate offense.

§ 11. This Act shall take effect on January 1, 1947.

Said Substitute was then adopted.

Mr. Denny moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	B. F. Kincaid	Amos Runyan
F. O. Baker	Edgar Kitchen	Forrest Smith
Harold L. Barnes	A. L. Love	Paul J. Stapleton
F. H. Bassett, Jr.	E. J. Lucas	Geo. W. Steinford
W. G. Biggers	F. G. Marquette	Ralph G. Stone
B. J. Bonn	E. H. Martin	E. L. Thompson
J. C. Bradley	Jack McPherron	Ray G. Tipton
John Y. Brown	J. Lee Moore	E. N. Todd
E. R. Denny	Fred Morgan	Walter L. Trivette
G. I. Drury	Rodes K. Myers	S. J. Wagner
Tom Gilliam	J. C. Newcomb	Harry F. Walters
Otto W. Goff	Thos. A. Noe	Lyle H. Webb
Harold G. Helm	Louis T. Peniston	Geo. J. Weining
Clyde S. Howard	Sylvester Phillips	Morris Weintraub
Jerry F. Howell	L. W. Preston	Lawrence Wells
J. J. Huff	E. F. Prichard	Rodney Whitlow
Ira W. Hulette	Hobart Rayburn	John Wilborn
Paul Jonas	Kelse H. Risner	—53

Those who voted in the negative were—

Ott Begley	R. R. Ernst	Joe T. Morgan
Bernie S. Edlin	Maurice Howard	W. R. Smith

—6

Resolved that the title thereof be as amended.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 377. An Act relating to cities of the first class.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In the interest of the public health and for the purpose of providing adequate sewer and drainage facilities in and around each city of the first class and in each county containing such city, there may be created and established therein a joint metropolitan sewer district under the provisions of this Act, having the powers duties and functions as herein prescribed, and to be known by and under the name of ..... and

(Name of city of the first class)

..... County Metropolitan Sewer District,

(Name of county)

which District under said name shall be a public body corporate, and political subdivision, with power to, adopt use and alter at its pleasure a corporate seal, sue and be sued, contract and be contracted with, and in other ways to act as a natural person, within the purview of this Act.

Section 2. Whenever by ordinance passed by the legislative body of any such city and approved by the mayor thereof, it is declared for the best interests of such city and the inhabitants thereof, that such District be created under the provisions of this Act, the clerk of the legislative body of such city shall file a certified copy of such ordinance with the county judge of the county wherein such city is located.

Section 3. The business, activities, and affairs of such District shall be managed, controlled and conducted by a Board composed of five members, three of whom shall be appointed by the mayor of such city subject to the approval of the city legislative body and two of whom shall be appointed by the county judge of such county subject to the approval of the Fiscal Court, and which five members thus appointed shall constitute the Board of such District. Not more than three members of the Board shall be affiliated with the same political party.

Each such member shall be at least twenty-five years of age; each appointed by the mayor shall be a resident of such city and wherein he shall have actually continuously resided for at least three years next prior to appointment; each appointed by the county judge shall be a resident of such county

outside the limits of the city and wherein he shall have actually continuously resided for at least three years next prior to appointment. No officer or employee of such city or county, whether holding a paid or unpaid position, shall be eligible for appointment as a member of such Board.

On the first day of July, 1946, or as soon thereafter as may be practicable, the mayor, subject to the approval of the city legislative body, shall appoint one member for a term of two years, one member for a term of three years, and one member for a term of four years, and the county judge, subject to the approval of the Fiscal Court, shall appoint one member for a term of three years and one member for a term of four years, and upon the expiration of each of said terms respectively and thereafter, the term of each of such members, shall be four years. A member is eligible to succeed himself. Vacancies in the membership shall be filled by the mayor or the county judge as the case may be, for the unexpired portion of the term.

Any member of the Board appointed by the mayor may be removed by the mayor, for cause, after hearing by the mayor, and after at least ten days notice in writing shall have been given to the member which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The findings of the mayor shall be final and removal results in vacancy in such office. Any member of the Board appointed by the county judge may be removed by the county judge, for cause, after hearing by the county judge, and after at least ten days notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the county judge shall be final and removal results in vacancy in such office.

The members of the Board shall each receive a salary not to exceed the sum of $3,000 per annum.

The fiscal year of the District shall begin on the first day

of July of each year and end with June 30th next following.

Regular meetings of the Board shall be held at least once in each calendar month, the time and place of which shall be fixed by the Board.

A majority of the members of the Board shall constitute a quorum, and the affirmative vote of at least three members of the Board shall be necessary for the adoption of any motion, measure or resolution.

Section 4. The Board shall, in July of each year, elect from its members a chairman and a vice-chairman, who shall be of different political party affiliation. It shall employ a secretary-treasurer and a chief engineer, neither of whom shall be a member of the Board. The secretary-treasurer and the chief engineer may be removed by the Board for cause, after hearing by it and after at least ten days notice in writing shall have been given to the secretary-treasurer or chief engineer, as the case may be, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the Board shall be final. The secretary-treasurer and the chief engineer shall each devote his entire time and attention exclusively to the services of the Board. The Board may employ, and remove at pleasure, professional and technical advisers, experts, and other employees, skilled or unskilled, as it deems requisite for the performance of its duties. The Board shall require the secretary-treasurer and the chief engineer each to execute bond and may exact from such of its other officers and employees bonds as it may deem expedient. All such bonds shall be payable to the District in such sums as the Board may fix, with approved corporate surety, and premiums therefor shall be paid by the District. Such bonds shall obligate the makers thereof to faithfully perform the duties of their respective offices and positions and to fully account for and pay over all money, property or other thing of value of the District, which may come to their hands, respectively. The Board shall fix the salaries and compensation of the officers and employees it engages, which salaries and compensation however shall be in line with that paid by the city and county for similar services.

Section 5. When the District created under this Act shall have organized, thereupon and by virtue of this Act, the existing sewer and drainage system and facilities of such city of the first class, together with all contracts, books, maps, plans, papers and records, of whatever description pertaining to or relating to the design, construction, maintenance, operation, and affairs of such existing sewer and drainage system, shall be assigned, transferred, and dedicated to the use of and be in possession, and under the jurisdiction, control, and supervision, of the District under this Act created, and such District is empowered to take possession thereof for its use and purposes. The District hereunder created shall thereafter have complete jurisdiction, control, possession, and supervision, of such existing sewer and drainage system, and of all of the facilities of such city of the first class for the disposal of sewage and storm water, and shall continue to exercise such power so long thereafter as any bonds or liabilities of the District shall remain unpaid or shall not have been otherwise discharged. When all of the bonds issued by the District and all its obligations shall have been paid in full or shall have been otherwise discharged, the District shall nevertheless continue to function as contemplated by this Act unless and until dissolved and disposition of its property and assets provided for.

The same rights and powers given in this section shall apply to areas outside the corporate limits of the city of the first class, which may later be embraced in the District.

Section 6. The District created under the provisions of this Act is empowered:

1. To have jurisdiction, control, possession, and supervision, of the existing sewer and drainage system of such city of the first class; to maintain, operate, reconstruct, and improve the same as a comprehensive sewer and drainage system, and to make additions, betterments, and extensions thereto, within the corporate limits of such city of the first class and within the limits of the county containing such city beyond such city limits, and to have all the rights, privileges, and jurisdiction, necessary or proper for carrying such powers into execution. No enumeration of powers in this Act

shall operate to restrict the meaning of this general grant of power or to exclude other powers comprehended within this general grant.

2. To prepare or cause to be prepared and to be thereafter revised and adopted, plans, designs, and estimates of cost, of a system of trunk, intercepting, connecting, lateral, and outlet sewers, storm water drains, pumping and ventilating stations, disposal and treatment plants and works, and all other appliances and structures, which in the judgment of the Board will provide an effective and advantageous means for relieving such city of the first class and areas in the county in which such city is located outside the city limits which may be embraced in the District, from inadequate sanitary and storm water drainage and from inadequate sanitary disposal and treatment of the sewage thereof, or such sections or parts of such system as the Board may from time to time deem proper or convenient to construct, consistent with the plans and purposes of this Act, and is authorized and empowered to take all such steps as the Board may deem proper and necessary to effect the purposes hereof.

3. To construct any additions, betterments, and extensions, to the facilities of the District, by contract or contracts, or under, through, or by means of its own officers, agents, and employees.

4. To establish, construct, operate, and maintain, as a part of the sewer and drainage system of the District, sewage treatment and disposal plants and systems and all the appurtenances and appliances thereunto belonging. Such sewage treatment and disposal plants may be located in the city, or beyond the limits of the city in the county in which the city is located, as the Board may deem expedient.

5. To acquire and hold such personal property as the Board may deem necessary and proper for carrying out the corporate purposes of the District and to dispose of personal property when the District has no further need therefor.

6. To acquire by purchase, gift, lease, or by condemnation, such real property or any interest, right, easement, or privilege therein, as the Board may determine necessary, proper, and convenient for the corporate purposes of the

District and to use the same so long as such corporate existence shall continue, and same is necessary or useful for the corporate purposes of the District.

Condemnation proceedings may be instituted in the name of the District pursuant to a resolution of the Board declaring the necessity for the taking, and the method of condemnation shall be the same as provided in KRS 416.120. When the Board by resolution declares that any real property which it has acquired, or any interest therein, is no longer necessary or useful for the corporate purposes of the District, such real property and interest therein may be disposed of.

7. To make by-laws and agreements for the management and regulation of its affairs and for the regulation of the use of property under its control and for the establishment and collection of sewer rates, rentals and charges.

8. To make contracts and execute all instruments necessary or convenient in the premises.

9. To borrow money and to issue negotiable bonds and to provide for the rights of the holders thereof.

10. To fix and collect sewer rates, rentals, and other charges, for service rendered by the facilities of the District.

11. To enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations.

Section 7. Upon taking and assuming control of such existing sewer and drainage system the District is authorized to establish a schedule of rates, rentals, and charges, to be collected from all the real property served by the facilities of such District, and to prescribe the manner in which and time at which such rates, rentals, and charges are to be paid, and to change such schedule from time to time as the District may deem necessary, advisable or expedient. Such schedule may be based upon either (a) the consumption of water on premises connected with such facilities, taking into consideration commercial and industrial use of water; or (b) the number and kind of plumbing fixtures connected with such facilities; or (c) the number of persons served by such facilities; or (d) any combination thereof; or (e) may be determined by the District on any other basis or classification

which the District may determine to be fair and reasonable, whether similar or dissimilar to those enumerated.

Prior to the final adoption or modification of such schedule, the District shall adopt a proposed schedule and publish notice thereof once a week for three consecutive weeks in a daily newspaper published in the county having the largest circulation therein. The notice so published shall be dated as of the date of first publication thereof and shall state that the proposed or revised schedule of rates, rentals, and charges, will remain open for inspection in the office of the District for thirty days from the date of said notice, and that objections thereto in writing may be filed during said period with the District by any person aggrieved thereby. The District shall examine and hear any and all such complaints, may modify the proposed schedule, and shall adopt and establish a final schedule within sixty days after the date of said notice. Such schedule shall be uniform for all property falling within the same classification. The schedule so adopted and established, shall thereafter be the rates, rentals, and charges, for the use of the facilities of the District, until changed in the manner herein before provided. Such schedule of rates, rentals, and charges, shall be established and revised from time to time so as to produce aggregate revenues to the District sufficient (a) for the payment of the interest on and principal of all revenue bonds and other obligations of the District; (b) for the payment of all cost and expenses of operating and maintaining the sewer and drainage system of the District, including but not limited to the salaries, wages, and fees, of all officers and other employees of the District; and (c) for the payment of all cost of renewals and replacement of such system; provided however, that all such expenses, salaries, wages, and fees necessary or incident to improvements for the account of which bonds are issued, may be included as a part of the cost of such improvements and paid from the proceeds of such bonds. The District may collect such sewer rates, rentals, and charges, or cause them to be collected and paid to it by such agencies as it may designate, and with whom it may make such contracts or arrangements as the District deems proper.

A lien, prior and superior to all other liens, except liens for City, State and County Ad Valorem Taxes, shall exist against each parcel of real property served, for the rentals and charges for services rendered by the District to each such parcel of real property, but such lien for services to one parcel shall not attach to or be a lien against any other parcel or parcels of real property. Such lien shall expire unless action to enforce same is instituted within five (5) years from the day such rentals and charges became payable as shown by the books and records of the District, which books and records shall be open for inspection by all interested persons during the regular business hours of the District.

Section 8. It shall be the duty of the District as promptly as possible, to rehabilitate, construct, improve, and extend, any sewer and drainage system taken over and controlled by it, which shall include, but is not limited to, disconnection of storm water drains and constructing outlets therefor, where such work is necessary to relieve existing sanitary sewers of storm water loads, in order to permit the efficient operation of such sanitary sewers. The District may make rules and regulations for the submission of bids and the construction of such additions, betterments, and extensions, or any part thereof. No contract shall be entered into for construction work or for the purchase of materials, unless the contractor shall give an undertaking with corporate surety in an amount approved by the Board for the faithful performance of the contract. As to contracts entered into for construction, such undertaking shall provide, among other things, that the person or corporation entering into such contract with the District will pay for all materials furnished and services rendered in the performance of the contract, and that any person or corporation furnishing such materials or rendering such services, may maintain an action thereon to recover for the same against the obligor in the undertaking and the surety, as though such person or corporation was named herein.

Section 9. The District shall have the power to acquire by purchase, or eminent domain proceedings, either the fee,

or such right, title, interest, or easement, in such lands as may be deemed by the District necessary for any of the purposes mentioned in this Act whether within or without the District, and such lands or interests therein may be so acquired whether or not the same are owned or held for public use by corporations, associations, or other persons having the power of eminent domain, or otherwise held or used for public purposes. Forthwith upon the acquisition of any such fee, right, title, interest, or easement, the same shall be and become dedicated to the uses and purposes of the District.

Section 10. Where railroad tracks, street railroad tracks, gas or water pipes, telephone wires, electric light or power wires, or conduits, for carrying telephone or telegraph or electric wires, or poles, or other structures of any public service corporation, extend in, along or across any part of the work authorized by this Act, it shall be and become the duty of the person or corporation owning or using such tracks, pipes, wires, conduits, poles, or other structures, to make such changes in the same, at its own expense, as may be required during the construction of any improvement provided for in this Act, and to construct or rebuild and maintain at its own expense, its tracks, pipes, wires, conduits, poles, and other structures, over or along the work by this Act authorized and constructed, or in the process of construction in pursuance thereof. Reasonable notice in writing of such necessary changes shall be given by the District to the parties concerned. The District may enter upon streets, highways, bridges, or public places, for the purpose of constructing any additions, betterments, or extensions of the facilities of the District. Whenever the District has entered upon and damaged any street, highway bridge, or other public place, same shall be restored to its former condition at the expense of the District.

Section 11. All monies of the District from whatever source derived, shall be paid to the secretary-treasurer. Such monies shall be deposited in the name of the District by the secretary-treasurer, in one or more banks or trust companies, situated in the county in which said city is located, having a

capital and surplus of not less than $500,000.00. The District may require that any or all such deposits be continuously secured by the pledge of direct obligations of the United States of America, having an aggregate market value, exclusive of the accrued interest, at all times, at least equal to the balance on deposit to the credit of the District. Such securities shall either be deposited with the secretary-treasurer or be held by a trustee or agent satisfactory to the District. In lieu of any such pledge of such securities, such funds may be secured by corporate surety bond or bonds, which shall be in form, sufficiency, and substance satisfactory to the District. All banks and trust companies are authorized to give such security for such deposits. The monies in such accounts shall be paid out by the secretary-treasurer on warrants signed by the secretary-treasurer and countersigned by the chairman or vice-chairman of the Board or by such other person or persons as the Board may from time to time designate by resolution.

Section 12. The District shall not have power to levy ad valorem taxes upon any property for any purpose whatsoever.

Section 13. The District shall have power, and it is hereby authorized from time to time, to issue its negotiable interest bearing revenue bonds for any of its corporate purposes, and it may also from time to time, issue its negotiable interest bearing revenue bonds to refund any of its bonds at maturity or pursuant to redemption provisions, or at any time before maturity with the consent of the holders thereof. All such bonds, including interest thereon, shall be payable solely from and secured only by revenues of the District realized through the collection of rates, rentals, or other charges, imposed for use of the facilities of such District. Such bonds shall be authorized by resolution of the Board and shall bear such date or dates, mature at such time or times not exceeding forty years from their respective dates, bear interest at such rate or rates, not exceeding five per centum per annum, payable semi-annually, be in such denominations and in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to

such terms of redemption, with or without premium, as such resolution or resolutions may provide. The bonds may be sold at public or private sale for such price or prices as the Board shall determine, provided that the interest cost of the money received from any issue of such bonds shall not exceed five per centum per annum when computed to the maturity of the bonds according to standard tables of bond values.

Any resolution or resolutions authorizing any bonds hereunder, may contain provisions, which shall be a part of the contract with the holders of the bonds, as to (a) pledging all or any part of the gross or net revenues of the District to secure the payment of the bonds and interest thereon; (b) the amounts to be raised in each year by rates, rentals, and charges and the use and disposition thereof, and of any other revenues of the District; (c) the setting aside of reserves or sinking funds and the regulation and disposition thereof; (d) limitations on the right of the District to restrict and regulate the use of its facilities; (e) limitations on the purposes to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied; (f) limitations on the issuance of additional bonds; (g) the procedure, if any, by which the term of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

The bonds or other obligations of the District shall not constitute an obligation or indebtedness of the city or of the county and it shall be plainly stated on the face of each bond of the District that it has been issued under the provisions of this Act, and that it does not constitute an indebtedness of the city or of the county. All bonds authorized hereunder may be issued without a vote of the voters and without any other proceedings or happenings of any other conditions or things than those proceedings conditions and things which are specified and required by this Act. Such bonds shall be signed in the name of the District by the Chairman or Vice-Chairman of the Board, attested by the signature of the secretary-treasurer, with corporate seal of the District attached.

Section 14. In the event that the District shall default in the payment of principal of, or interest on, any of the bonds issued pursuant to this Act after the said principal or interest shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the District shall fail or refuse to comply with the provisions of this Act, or shall default in any agreement made with the holders of the bonds, the holders of twenty per centum in aggregate principal amount of the bonds then outstanding, by instrument or instruments filed in the office of the county clerk of the county embracing the District and proved or acknowledged in the same manner as a deed to be recorded, may apply to a judge in the Chancery Branch of the Circuit Court of the county, to appoint a trustee to represent all of the bondholders for the purposes herein provided. Upon such application such judge shall appoint a trustee and such trustee may, and upon written request of the holders of twenty per centum in principal amount of the bonds of the District then outstanding shall, in his or its own name (a) by mandamus or other suit, action or proceeding at law or in equity, inforce all rights of the bondholders, including but not limited to the right to require the District to collect rates, rentals, and other charges, adequate to carry out any agreement as to, or pledge of, the revenues of the District, and to require the District and its officers to carry out any other agreement with the bondholders and to perform its and their duties under this Act; (b) bring suit upon the bonds; (c) by action or suit in equity, require the District to account as if it were the trustee of an express trust for the bondholders; (d) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of bondholders; (e) declare all bonds due and payable, and if all defaults shall be made good then to annul such declarations and its consequences.

Any such trustee, whether or not all bonds have been declared due and payable, shall be entitled as of right, upon application to the judge in the Chancery Branch, to the appointment of a receiver, who may enter upon and take possession of the facilities of the District, or any part or parts thereof,

and operate and maintain the same, and collect and receive all rentals, rates, and other charges, and other revenues, of the District, thereafter arising therefrom, in the same manner as the District and its officers might do, and shall deposit all such monies in a separate account and apply the same in such manner as such Court shall direct. In any suit, action, or proceeding, by the trustee, the fees, counsel fees, and expenses of the trustee and of the receiver, if any, shall constitute disbursements taxable as costs. All costs and disbursements allowed by the court shall be a first charge on any revenue derived from the facilities of the District. Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate of the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights.

Section 15. The initial unit of the District embraces the area that is co-terminus with the boundaries of the city of the first class, subject to extension in the county beyond the boundaries of such city, as in this Act provided. The District may construct and extend its initial sewer and drainage system and facilities beyond the corporate limits of such city of the first class and within the county in which such city is located whenever the District and the owner or owners of real property to be served and located outside the limits of such city, by appropriate written instrument, agree as to apportionment of any and all costs of construction work subsequent maintenance and operation appertaining thereto, and as to payments by the owner or owners of such real property, of rates, rentals and charges, for the services and facilities to be thus afforded. Thereupon such real property served becomes a part of and is embraced in the District. In like manner the District may construct and extend its sewer and drainage system and facilities so as to serve all or any part of any other city or other incorporated area located in the same county, pursuant to a written agreement between the District and such other city or incorporated area approved by their respective governing boards or bodies. All such agreements referred to in this section shall be in appropriate form

for recording and shall be filed of record with the county clerk as instruments relating to transfer of or creating a lien upon such real estate. Any such agreements entered into by the District pursuant to this section may provide that the corporate boundaries of the District shall be enlarged and extended so as to include the real property of such other city or incorporated area, or part thereof, to be served pursuant to such agreement, and in such case when such instrument has been filed of record with the county clerk as aforesaid, the corporate boundaries of the District shall be thereby officially enlarged and extended so as to include same.

Section 16. The District created under the provisions of this Act shall have power to make and promulgate all rules and regulations proper or necessary to regulate the use, operation, and maintenance, of property and facilities under its control, and to carry into effect the powers granted the District by this Act. The jurisdiction of the District shall extend beyond the corporate boundaries thereof for regulation of any sewers, drains, or water courses, which by natural flow, or otherwise, empty into or flow through any part of the District.

Section 17. In order to promote and protect its activities and facilities, and in furtherance of the public health, the District may enter into contracts with, and thereunder it may permit, other cities, towns, municipalities, sewer and drainage districts, located in the same county as such city of the first class to connect with and use the facilities of the District. The rates for such service and connections shall be such as may be agreed upon between the contracting parties.

Section 18. The District is authorized to enter into negotiations with the Federal Government and the Commonwealth of Kentucky, or either of them, or the agencies of both or either, and apply and obtain from them or either or both of them, any and all grants-in-aid that may be available.

Section 19. It is hereby found and declared that the creation of the District and the carrying out of its corporate purposes is in all respects in the interest of the public health and is a public purpose; that the District is performing a

governmental function in the exercise of the powers conferred upon it by this Act and it shall be required to pay no taxes or assessments upon any property owned or acquired by it, under its jurisdiction, control, possession, or supervision, or upon its activities in the operation and maintenance of its facilities. Bonds issued by the District and income therefrom are exempt from taxation.

Section 20. If any clause, sentence, paragraph, or part of this Act, shall for any reason, be adjudged by any court of competent jurisdiction to be invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, or part hereof, directly involved in the controversy in which such judgment shall have been rendered.

Section 21. Insofar as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall control.

Section 22. Operation under this Act shall begin July 1, 1946, or as shortly thereafter as is practicable.

Mr. Weining offered the following amendments to said bill, viz.:

1. Amend H. B. 377 on page 6, sec. 6, line 31 by adding at the end of paragraph 3 of section 6, the following:

"Provided, however, that before any construction of new sewers or the extension of any existing sewers is begun, the plans for all such projects shall, if said project is within the corporate limits of the City of Louisville, be first submitted to the Director of Works of the City of Louisville for approval by him, and, if so approved, then to be approved by ordinance adopted by the Board of Aldermen of the City of Louisville; and if said project is outside the corporate limits of the City of Louisville, the plans therefor shall then be first approved by the County Engineer of Jefferson County, and, if approved by him, then to be approved by proper action of the fiscal court of Jefferson County, except that if said project is without the corporate limits of the City of Louisville but within the corporate limits of any incorporated city, drainage district, or other political subdivision within Jef-

ferson County, then such prior approval shall be obtained from the governing authorities of any such political subdivision or district."

2. Amend H. B. 377 on page 8, section 7, line 27 after the word "notice" substitute a comma for the period and insert the following:

"Such schedule however shall not become final within a city of the first class, unless and until it has received the approval of the legislative body of the city of the first class by ordinance approved by the mayor, provided however, the schedule finally adopted shall be sufficiently and adequate to cover the purposes of this Act."

3. Amend H. B. 377 on page, 9, sec. 7, line 46 after the word "proper" in line 46 insert the following:

"The use of all monies of the district received from any and all sources is hereby limited exclusively and shall be devoted solely to the payment of all obligations of the district and Board created by this Act, and no funds from any sources authorized by this Act shall be diverted to any other purposes than those in this Act set forth."

4. Amend H. B. 377 on page 9, sec. 7, lines 47 to 56 by striking out lines 47 through 56, and substitute in lieu thereof the following:

"Whenever any such sewer rates, rentals or charges for services rendered shall remain unpaid for a period of thirty days after the same shall become due and payable, the district shall declare the said property, the owner thereof, and the user of said service, delinquent until such time as all service rates, rentals and charges are fully paid and may cut off the sewer connection and service. It is hereby declared to be unlawful for any delinquent to use water from any public water service or system and discharge same into a public sewer. No public water service or system shall furnish such delinquent with water to be discharged into a public sewer. The district may enter into agreements with any public water company or service providing for the discontinuance of water service to such delinquents."

5. Amend H. B. 377 on page 10, sec. 9 line 20 by deleting the word "herein" and substituting in lieu thereof the word "therein"

6. Amend H. B. 377 on page 10, sec. 9, line 9 by striking the period following the word "purposes" which ends in line 9, of sec. 9, and inserting in lieu thereof a comma, and adding immediately thereafter the following words:

"But nothing in this Act shall be construed to confer upon or recognize in the District any power to acquire by agreement, purchase or gift, or by eminent domain proceedings, any fee, right, title, interest or easement in property included within the boundaries of any sanitation district organized under Chapter 220 of the Kentucky Revised Statutes, except necessary rights of way for trunk sewers through such sanitation districts.

7. Amend H. B. 377 on page 12, sec. 13 line 19 after the word "provide" delete the period, substitute therefor a comma, and add the following:

"provided, however, that before the insurance of any such bonds for any project within the corporate limits of any such city of the first class, the issuance thereof shall first be authorized by ordinance passed by the legislative body of such city and approved by the mayor thereof."

8. Amend H. B. 377, on page 12, sec. 13 line 19 by striking out the words "The bonds may be sold at public or private sale" and substitute in lieu thereof the following:

"The bonds shall be sold at public sale"

9. Amend H. B. 377 on page 16, sec. 15, line 30 by adding, immediately following the sentence which ends with line 30 of sec. 15, the following sentence:

"The words, 'incorporated area,' as used in this section, shall not mean or apply to any sanitation district organized under Chapter 220 of the Kentucky Revised Statutes."

Said amendments were each and severally agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	Jerry F. Howell	Kelse H. Risner
F. H. Bassett, Jr.	J. J. Huff	Amos Runyan
Ott Begley	Ira W. Hulette	J. W. Simmons
W. G. Biggers	Paul Jonas	Luther Slusher
B. J. Bonn	L. H. Jones	Forrest Smith
J. C. Bradley	B. F. Kincaid	E. A. Spencer
John Y. Brown	Edgar Kitchen	Geo. W. Steinford
Chas. W. Burnley	H. K. Lowman	Ralph G. Stone
Fred Creasey	E. J. Lucas	E. L. Thompson
L. A. Demumbrun	F. G. Marquette	Ray G. Tipton
G. I. Drury	E. H. Martin	E. N. Todd
Forest C. Easley	W. E. McClure	Walter L. Trivette
Bernie S. Edlin	J. Lee Moore	S. J. Wagner
Eck Embry	J. C. Newcomb	Harry F. Walters
M. B. Gilligan	Thos. A. Noe	Lyle H. Webb
Otto W. Goff	Joe E. Nunn	W. W. Webster
R. M. Hall	Louis T. Peniston	Geo. J. Weining
Harold G. Helm	Sylvester Phillips	Morris Weintraub
E. R. Hilton	E. F. Prichard	Rodney Whitlow
Clyde S. Howard	Hobart Rayburn	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 422. An Act regulating the drilling of wells for oil or gas, etc.

Said billl is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION I:

It is hereby declared to be the policy of this Commonwealth to protect the correlative rights of landowners and others having the right to search for and produce oil or gas, to the extent hereinafter provided, and it is the purpose of this Act to prevent, within the limitations hereinafter provided, the drilling of wells for oil or gas at such locations as to cause drainage of oil or gas from adjoining lands, unless such drainage is offset by counter-drainage. Because of the nature of oil-bearing formations in this Commonwealth and because of varying characteristics of oil-bearing formations in different areas of the Commonwealth, it is not deemed feasible at this time to establish spacing units for oil wells other than those drilled within the distances hereafter provided from the boundary lines of separately owned tracts of land. However, the characteristics of gas-bearing formations in this Commonwealth are such as to make the establishment of spacing units for such wells desirable and necessary, and it is therefore the purpose of this Act, among other things, to establish spacing units of minimum area for gas wells hereafter drilled.

SECTION II:

As used in this Act, unless the context requires otherwise:

(1) *"Person"* means and includes an individual, partnership, firm, corporation, association, business trust, and any other entity, whether incorporated or unincorporated.

(2) *"Oil"* means crude petroleum and any other hydrocarbon produced in liquid form at the well head, and includes what is commonly known as casinghead gas produced in association with oil from the same formation from which oil

is produced and through the same well base from which oil is produced.

(3) *"Gas"* means dry natural gas and any other hydrocarbon produced in gaseous form at the well head, but does not include what is commonly known as casinghead gas produced in association with oil, from the same formation from which oil is produced through the same well bore.

(4) *"Oil well"* means a bore hole drilled in search of oil or for the purpose of producing oil but shall not mean core test wells, stratigraphic test wells or wells drilled for information purposes only.

(5) *"Gas well"* means a bore hole drilled in search of gas or for the purpose of producing gas but shall not mean core test wells, stratigraphic test wells or wells drilled for informaiton purposes only.

(6) *"Working interest"* means any interest in land which gives the owner thereof the right to search for and produce oil or gas, whether such interest is owned as an incident to the fee simple title, or is obtained by lease, or is otherwise held.

(7) *"Royalty interest"* means any interest in oil or gas other than a working interest, and includes the royalty interest commonly reserved by the lessor or lessors in an oil and gas lease, an over-riding royalty interest, an oil payment interest, and any interest (other than a working interest) entitling the owner thereof to share in oil or gas produced, or the proceeds derived from the sale thereof.

(8) *"Producer"* means any person owning a working interest in land.

(9) *"Operator"* means the producer in charge of the drilling of an oil well or a gas well.

(10) *"Royalty owner"* means any person owning a royalty interest in land.

(11) *"Lease"* means a contiguous tract of land owned or held under lease or otherwise by the same producer or producers, whether or not leased for oil or gas purposes.

(12) *"Spacing unit"* means a contiguous tract of land within the boundaries of a lease or leases and is the minimum area attributable to a gas well.

(13) *"Secondary recovery"* means that recovery of oil or gas which may be obtained by the injection of air, gas, water or other substance into a reservoir of oil and/or gas for the purpose of augmenting the reservoir energy for the purpose of increasing the ultimate recovery of oil and/or gas from the reservoir.

(14) *"Condensate"* means any petroleum hydrocarbon produced in liquid form at the surface and which existed in a gaseous form in the reservoir and which became liquid at the surface as a result of reduction in temperature and pressure.

SECTION III:

No person shall hereafter drill or cause to be drilled an oil well or gas well without first obtaining from the State Geologist a permit for the drilling of such well in the manner hereinafter provided.

SECTION IV:

To obtain a permit for the drilling of an oil well or a gas well, the operator of such well shall file an application for a permit to drill such well with the State Geologist on a form to be prepared and furnished by the State Geologist, which application shall contain the following information:

(a) The name and address of the operator of such well and the name and address of each producer having an interest in the well.

(b) A description of the lease on which the well is to be drilled, showing the number of acres contained therein.

(c) The approximate depth to which it is proposed to drill the well and the prospective horizon or horizons expected to be penetrated.

(d) Whether the well is expected to be an oil well or a gas well.

(e) Such information as to spacing and allocation of acreage as may be required by the State Geologist concerning any other well or wells drilled or being drilled on the same lease or on any lease or leases contiguous thereto.

(f) When such application is for the purpose of securing a permit primarily to drill for oil, said application shall be accompanied by a map or plat showing the adjacent

boundary lines of the lease on which the well is proposed to be drilled; and the location of said proposed well.

(g) When said application is for the purpose of securing a permit primarily to drill for gas, said application shall be accompanied by a map or plat of survey made by a competent and capable engineer or surveyor, accurately showing the boundary lines of the lease on which the well is proposed to be drilled, and the exact location of the well, the shortest distance between the proposed well and the nearest boundary line of the lease on which it is to be drilled, and the bearings and distances of the courses from the proposed well to the two nearest corners of other monuments on the lease. Such map or plat shall be drawn to such scale as may be specified by the State Geologist.

SECTION V:

Within five (5) days after receipt of an application for a permit to drill a well and its accompanying plat or map on the form and containing the information above set forth, the State Geologist shall either issue a drilling permit pursuant to such application or shall deny such application by written notice to the operator of the proposed well, which notice shall state the reason or reasons for denial of the permit applied for.

SECTION VI:

The State Geologist shall not issue a permit for the drilling of an oil well (except pursuant to an exception granted as hereinafter provided) unless the location of the well on the lease on which it is to be drilled conforms to the following requirements:

(a) If the well is to be completed in a sand formation at a depth not exceeding 650′, the well shall be at least 150′ from the nearest boundary line of the lease; and at least 300′ from any producing well along said boundary line, producing from same horizon.

(b) If the well is to be completed in a sand formation at a depth of more than 650′ but not more 1600′, the well shall be at least 200′ from the nearest boundary line of the lease;

and at least 400′ from any producing well along said boundary line producing from same horizon.

(c) If the well is to be completed in a sand formation at a depth of more than 1600′, the well shall be at least 300′ from the nearest boundary line of the lease; and at least 600′ from any producing well along said boundary line producing from same horizon.

(d) If the well is to be completed in a limestone formation at a depth of not more than 1000′, the well shall be at least 150′ from the nearest boundary line of the lease; and at least 300′ from any producing well along said boundary line producing from same horizon.

(e) If the well is to be completed in a limestone formation at a depth of more than 1000′, but not more than 1600′, the well shall be at least 200′ from the nearest boundary line of the lease; and at least 400′ from any producing well along said boundary line producing from same horizon.

(f) If the well is to be completed in a limestone formation at a depth of more than 1600′, the well shall be at least 300′ from the nearest boundary line of the lease; and at least 800′ from any producing well along said boundary line, producing from same horizon.

(g) Any well commenced with the intention of drilling primarily for oil to any shallow depth which proves to be dry, the drilling may continue to a lower horizon provided the State Geologist and adjacent lease owners have been notified.

SECTION VII:

The State Geologist shall not issue a permit for the drilling of a gas well (except pursuant to an exception granted as hereinafter provided) unless the location of such well on the lease on which it is to be drilled conforms to the following requirements:

(a) The well shall be located at least 330′ from the nearest boundary line of the lease and at least 1320′ from any other gas well then producing or being drilled or on which a drilling permit has been issued, provided that the State Geologist shall grant a permit to applicant for any offset well, lo-

cated not less than 330' from the common boundary line, who is able and does comply with all the other provisions of this Act, including those contained in this section.

(b) If the well is located east of the Cincinnati Arch (by which is meant the Anticline extending across this state in a general northerly and southerly direction as recognized by geologists generally) and is to be completed in the Berea sand formation or any formation above the Berea sand formation or any formation below the top of Corniferous or Niagara lime horizon, or if the well is located West of Cincinnati Arch and is to be completed in the Beaver formation (Basal Mississippian) or in any formation above the Beaver formation, the well shall be located on a spacing unit of at least forty (40) acres upon which is located no other gas well then producible from or being drilled into the same gas-bearing formation.

(c) If the well is located east of the Cincinnati Arch and is to be completed in any formation below the Berea sand and above Cornifferous or Niagara Lime Horizon, or if the well is located west of the Cincinnati Arch and is to be completed in a formation below the Beaver formation, the well shall be located on a spacing unit of at least one hundred (100) acres upon which is located no other gas well then producible from or being drilled into the same gas-bearing formation.

(d) For the purposes of this, Section VII, a gas well covered by a pending application for drilling permit, and a gas well for which an unexpired permit has been issued but on which operations for drilling have not been commenced, shall be deemed to be a gas well which is being drilled.

(e) The State Geologist shall not grant a permit to drill a gas well below the top of the Corniferous or Niagara Lime as set out in subsection "b" of this section in an area generally known to be productive in the Devonian or Brown shales but such application may be granted in the event the requirements of sub-section "c" of this section are complied with.

(f) When two or more applicants apply for a permit involving or effecting the same lease or a part thereof or an

adjacent lease or leases, said applications shall be passed upon by the State Geologist in the order received.

SECTION VIII:

A permit issued for the drilling of an oil well or a gas well shall expire at the expiration of ninety (90) days from and after the date of its issuance unless operations for the drilling of such well are actually commenced in good faith within said period of ninety days. If and when a drilling permit expires as provided in this, Section VIII, the permit shall become and be thereafter void, with like effect as if it had never been issued, and the operator to whom the permit had been issued shall promptly surrender and deliver up such permit to the State Geologist.

SECTION IX:

For the purpose of determining the completed depth of an oil well or a gas well, the State Geologist shall establish a basing point for each area in which oil wells or gas wells are proposed to be drilled, each such area to be of such extent as the State Geologist may find to be adequate and proper for the purposes of the basing point established therefor. The basing point established by the State Geologist for any such area shall be the lowest estimated sub sea elevation of the producing formation in such area, as such level is determined by the State Geologist. The depth of each well completed in any such area shall be computed by vertical measurement from the basing point established by the State Geologist for such area.

SECTION X:

The provisions of Section VI and Section VII of this Act shall not apply:

(a) To an oil well or a gas well proposed to be drilled in in accordance with a secondary recovery program for the lease on which the well is proposed to be drilled if the State Geologist finds that the producers owning such lease have in good faith adopted a secondary recovery program for such lease.

(b) To an oil well or a gas well proposed to be drilled at a location consented to in writing filed with the State Geologist, with the application for permit to drill such well, and signed by the producer or producers owning the entire working interest in the lease or leases which adjoin or are adjacent to the lease on which the proposed well is to be drilled and which have a boundary line or boundary lines nearer to the proposed well than the minimum distance specified in the applicable provision of Section VI or Section VII of this Act.

If the State Geologist finds that an oil well or a gas well covered by an application for a drilling permit comes within either of the exceptions provided for in this, Section X, the State Geologist shall issue a permit for the drilling of such well, as an exception to the applicable requirements of Section VI or Section VII, as the case may be.

SECTION XI:

The producer or producers owning the entire working interest in two or more adjoining leases may, by agreement with the owner or owners of the entire royalty interest in such leases, consolidate all, or contiguous parts of, such leases. If the consolidation of two or more adjoining leases, or of contiguous parts of two or more adjoining leases, is necessary to obtain a drilling permit in compliance with the requirements of this Act for an oil well or a gas well deemed necessary for the efficient drainage of the leases or parts of leases to be consolidated, and if any royalty owner having a royalty interest in any lease or part of lease to be included in the consolidated lease refuses to join with such producer or producers in an agreement for the consolidation of such leases or parts of leases, such producer or producers may file with the State Geologist, in addition to the application for drilling permit provided for in Section IV of this Act, an application for an order consolidating such leases or parts of leases, which application shall be subscribed under oath by such producer or producers, or the agent of such producer or producers, and shall contain:

(a) An accurate description of each lease or part of lease to be consolidated.

(b) The name and address of each royalty owner having a royalty interest in any such lease or part of lease, with the nature and extent of his interest.

(c) The name and address of each producer having a working interest in any such lease or part of lease, with the amount of interest owned in each lease or part of lease.

(d) A statement that such producer or producers desire to consolidate such leases or parts of leases and that such consolidation is necessary for the efficient drainage thereof.

(e) Such other information as may be relevant.

Upon receiving such application the State Geologist shall file a date for hearing thereon and, at least ten (10) days prior to the date set for such hearing, shall cause notice thereof to be given by registered mail to each royalty owner and each producer having an interest in the leases or parts of leases to be consolidated. If the State Geologist, after hearing on such application, finds that the proposed consolidation is necessary for the efficient drainage of the leases or parts of leases to be consolidated, and to comply with the requirements of this Act, he shall enter an order for the consolidation of such leases or parts of leases, but otherwise shall enter an order dismissing the application for consolidation. If the State Geologist orders consolidation of such leases or parts of leases, the order for consolidation thereof shall allocate to each such unit its fair and equitable portion of the oil and gas produced in proportion to the acreage in the consolidation tract. The portion of production allocated to each such unit shall when produced be considered as if it had been produced from such unit by a well drilled thereon, and each royalty owner shall share in the production so allocated to the lease in which he owns a royalty interest on the basis of the lease or other contract in which his royalty interest was reserved or created.

SECTION XII:

The producer or producers owning the entire working interest in a lease or part of lease and desiring to drill there-

on an oil well or gas well for which a drilling permit cannot be issued in compliance with this Act, may file with the State Geologist, in addition to the application provided for in Section IV hereof, an application for an exception from the requirements of the applicable provisions of Section VI or Section VII of this Act, which application shall be subscribed under oath by such producer or producers, or by the agent of such producer or producers, and shall contain:

(a) The name and address of each producer having a working interest in any lease which adjoins or is adjacent to the lease on which the well is proposed to be drilled and which has a boundary line nearer to the proposed well than the minimum distance specified by the applicable provision of Section VI or Section VII.

(b) That an effort has been made in good faith by the applicant or applicants to consolidate the lease or part of lease on which the well is to be drilled with the adjoining lease or leases or a part or parts thereof to the extent necessary to permit the drilling of an oil well or a gas well, in compliance with the requirements of this Act, on the leases or parts of leases attempted to be consolidated but that a producer or producers having all or parts of the working interest in such adjoining lease or leases or part or parts thereof have refused to join in such consolidation, and

(c) That the drilling of the proposed oil well or gas well is necessary to prevent loss or confiscation of the interest of the applicant or applicants in the oil or gas in the lease or part of lease held by the applicant or applicants.

Promptly upon receiving such application the State Geologist shall fix a date for hearing thereon and shall cause notice thereof to be given by registered mail, at least ten (10) days in advance of the date set for hearing, to each producer having a working interest in the lease or leases or part or parts thereof required to be consolidated to permit drilling of an oil well or a gas well in compliance with this Act. If the State Geologist, on hearing such application, finds that the applicant or applicants have made an effort in good faith to consolidate the lease or part of lease held by the applicant or applicants with the adjoining lease or leases or part or

parts thereof to the extent necessary to permit the drilling of an oil well or gas well in compliance with this Act on the lands attempted to be consolidated, on fair and equitable terms, but that one or more of the producers having the working interest in such adjoining lease or leases or part or parts thereof have refused without just cause to agree to such consolidation, and if the State Geologist further finds that the drilling of the well proposed to be drilled by the applicant or applicants is necessary to prevent loss or confiscation of the oil or gas underlying the lease or part of lease held by the applicant or applicants, the State Geologist shall issue a permit for the drilling of such well as an exception from the requirements of this Act, but otherwise the State Geologist shall enter an order denying the application.

SECTION XIII:

All hearings herein provided to be held by the State Geologist shall be public and all testimony offered and received at any such hearing shall be received under oath and reduced to writing. Any person aggrieved by an order entered by the State Geologist at any such hearing may appeal therefrom to the Circuit Court of the county in which the land affected thereby is located, by filing in such court within thirty (30) days after entry of the order appealed from, a petition for the review of such order, which petition shall be accompanied by a copy of the application on which the order was made, a copy of the record of testimony at the hearing, and a copy of the order appealed from. Such petition for review shall name as defendants the State Geologist and all parties to the proceeding before the State Geologist who are not joined as plaintiffs in the petition for review. Summons shall be served on the defendants named in such petition in the manner provided by law for service of summons in civil actions in equity commenced in such Circuit Court, and any defendant named in such petition shall enter appearance and file answer or other pleading therein within the time allowed by law in civil actions in equity or be deemed to be in default and to have confessed the allegations of the petition for review. The petition for review shall be heard by the Circuit Court on the application and record

of testimony filed with the petition and on such additional evidence, material to the controversy as may be received by the court. After hearing on the petition, the Circuit Court shall render judgment either confirming the order appealed from, or setting aside such order and directing the State Geologist to enter such order as the Court may find to be just and equitable and in conformity with this Act. Any party to the proceeding on such petition for review who is aggrieved by the judgment entered by the Circuit Court thereon may appeal from such judgment to the Court of Appeals in the manner provided by law for appeals in equity from the Circuit Court to the Court of Appeals except said appeal shall be perfected within 120 days from the date of entry of final judgment.

SECTION XIV:

The operator of each oil well or gas well hereafter drilled in this state shall keep or cause to be kept a full and accurate log of such well, showing each formation penetrated by the well and the depth at which penetrated. Within one hundred eighty (180) days after completion of any such well, either as a producer or as a dry hole, the operator of the well shall file with the State Geologist a true copy of the log of such well and also a true copy of any electrical survey made of the well. Well logs and electrical survey records filed with the State Geologist shall be retained in his files as records of his office and available to inspection as other records of his office.

SECTION XV:

Any person who drills, or causes to be drilled, an oil well or a gas well without first having obtained a permit to drill such well in compliance with this Act shall be guilty of a misdemeanor and subject to a fine of not less than Fifty Dollars ($50) nor more than Five Hundred Dollars ($500).

SECTION XVI:

It shall be unlawful for any person to operate or produce an oil well or a gas well drilled without a drilling permit obtained in compliance with this Act and any person who operates or produces, or causes to be operated or produced,

any such line well offsetting within distances provided by this Act, any adjacent property or lease or any adjacent properties or leases, shall be guilty of a misdemeanor and subject to a fine of not less than One Hundred Dollars ($100) nor more than Five Hundred Dollars ($500) for each day that violation of this Section continues, each day's violation of this Section to be deemed a separate offense, total penalty shall not exceed Five Thousand Dollars ($5000).

SECTION XVII:

The drilling of an oil well or gas well without a drilling permit obtained in compliance with this Act, and/or the operating or producing of any oil well or gas well drilled without a drilling permit obtained in compliance with this Act, may be enjoined by the Circuit Court of the County in which such well is located, upon petition filed by the State Geologist or by any person having a royalty interest or a working interest in a lease which adjoins or is adjacent to the lease upon which such well is drilled and which has a boundary line nearer to such well than the distance specified by the applicable provision of Section VI or Section VII as the case may be. In any suit for injunction filed pursuant to this Section, the Circuit Court in which the suit is filed shall have jurisdiction to enter such preliminary and final orders, decrees and judgments as the court may find necessary to enforce the provisions of this Act. Upon such petition for injunction filed by the State Geologist, the Circuit Court may in its discretion enter a preliminary restraining order without bond, pending the final determination of the case.

SECTION XVIII:

It shall be unlawful for any person to purchase or transport, or cause to be purchased or transported, any oil or gas produced from an oil well or a gas well operations for the drilling of which are commenced after the effective date of this Act, unless a permit for the drilling of such well has been issued by the State Geologist, and said purchaser shall not be guilty of a misdemeanor unless the State Geologist notifies said purchaser in writing that said well has been drilled without a legal permit. Any person violating this Sec-

tion shall be guilty of a misdemeanor and subject to a fine of not less than One Hundred Dollars ($100) and not more than Five Hundred Dollars ($500) for each day that such violation continues, each day's violation of this Section to be deemed a separate offense.

SECTION XIX:

The provisions of this Act shall not affect any well drilled or drilling before the date on which this Act goes into effect.

SECTION XX:

The provisions of this Act shall not affect any existing law unless inconsistent therewith.

SECTION XXI:

If any section or part thereof or subsection or part thereof of this Act shall be held invalid it shall not affect the remainder thereof.

Mr. Spencer offered the following amendment to said bill, viz.:

Amend H. B. 422 on page 14, Section XIV, line II by adding after the word "office" in line 11 of Section XIV, the following:

"At the time of filing the log of the well, the operator shall also file a statement giving the name and address of the record owner or owners of the surface of the lands upon which the well was drilled as of the date of completion, and the State Geologist shall forthwith mail to such owner or owners a copy of the log of the well."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constittuion, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	J. J. Huff	Hobart Rayburn
W. G. Biggers	Ira W. Hulette	Kelse H. Risner
B. J. Bonn	Paul Jonas	J. W. Simmons
J. C. Bradley	L. H. Jones	Luther Slusher
John Y. Brown	B. F. Kincaid	E. A. Spencer
Chas. W. Burnley	Edgar Kitchen	Paul J. Stapleton
E. R. Denny	H. K. Lowman	Geo. W. Steinford
G. I. Drury	E. J. Lucas	E. L. Thompson
Forest C. Easley	Ed Marcum	Ray G. Tipton
A. H. Eversole	F. G. Marquette	E. N. Todd
Tom Gilliam	E. H. Martin	Walter L. Trivette
M. B. Gilligan	W. E. McClure	S. J. Wagner
Otto W. Goff	Jack McPherron	Lyle H. Webb
Harold G. Helm	Rodes K. Myers	W. W. Webster
E. R. Hilton	Thos. A. Noe	Geo. J. Weining
Clyde S. Howard	Joe E. Nunn	Morris Weintraub
Maurice Howard	L. W. Preston	John Wilborn
Jerry F. Howell	E. F. Prichard	—53

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 458. An Act relating to appropriation for capital outlay.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Subsection (1) of Section (k) of Article 26, of Part 1 of Chapter 1 of the Acts of the Second Extraordinary Session

of 1944 is hereby amended and re-enacted so as to read as follows, to-wit: For acquiring lands, the construction of buildings, the reconstruction of buildings, the purchase and installation of equipment and furnishings for the buildings so constructed or reconstructed, which equipment and furnishings are of a permanent nature, for the following institutions, to-wit: Western State Hospital, at Hopkinsville; Central State Hospital, at Lakeland; Eastern State Hospital, at Lexington; Kentucky Training Home, at Frankfort; Houses of Reform, at Greendale; School for the Deaf, at Danville; School for the Blind, at Louisville; a War Memorial Field House at the University of Kentucky, Lexington; the Hazelwood Sanatorium at Hazelwood; Kentucky Children's Home, Lyndon, Kentucky; Darnell State Hospital, at Danville; and State Tuberculosis Sanatoriums to be established as provided in House Bill No. 147 of the 1944 Regular Session of the General Assembly. Of the $5,300,000.00 herein appropriated, not less that $1,500,000.00 thereof shall be spent for the construction, equipment and furnishings of the State Tuberculosis Sanatoriums.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Adron Doran	E. R. Hilton
F. H. Bassett, Jr.	G. I. Drury	Clyde S. Howard
W. G. Biggers	Forest C. Easley	Maurice Howard
B. J. Bonn	Eck Embry	Jerry F. Howell
B. K. Brantley	Tom Gilliam	J. J. Huff
John Y. Brown	M. B. Gilligan	Ira W. Hulette
Chas. W. Burnley	Otto W. Goff	Paul Jonas
L. A. Demumbrun	R. M. Hall	L. H. Jones
E. R. Denny	Harold G. Helm	B. F. Kincaid

A. L. Love	J. C. Newcomb	Geo. W. Steinford
H. K. Lowman	Thos. A. Noe	Ralph G. Stone
Ed Marcum	Joe E. Nunn	E. L. Thompson
F. G. Marquette	Sylvester Phillips	Ray G. Tipton
E. H. Martin	L. W. Preston	E. N. Todd
W. E. McClure	E. F. Prichard	Walter L. Trivette
Jack McPherron	Hobart Rayburn	Lyle H. Webb
J. Lee Moore	Amos Runyan	W. W. Webster
Fred Morgan	J. W. Simmons	Geo. J. Weining
Joe T. Morgan	Luther Slusher	Rodney Whitlow
E. C. Mullins	E. A. Spencer	John Wilborn

—60

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 234. An Act relating to medical scholarships.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The State Board of Health may establish annual medical scholarships of the annual value of eight hundred dollars each, which shall be awarded and paid subject to the following conditions and restrictions.

(1) Each applicant for any such scholarship shall be a bona fide resident of Kentucky. The awards shall be made upon such basis, competitive or otherwise, as may be determined by the State Board of Health, and each applicant shall possess the minimum qualifications required for entrance to an accredited medical school in Kentucky. Not more than two scholarships shall be awarded in any one year to applicants from any one Congressional district.

(2) Before any such scholarship is awarded, the applicant shall sign a written contract under the terms of which he agrees to pursue the medical course of an accredited medical college located within Kentucky until his graduation, and after graduating and completing a term of not exceeding two years as an interne at some approved hospital, to engage continuously in the general practice of medicine in a rural community in Kentucky, selected by the State Board of Health, for a period of years equal in number to the years that he has been or shall be a beneficiary of any such scholarship or scholarships. The contract shall provide that the applicant shall repay to the fund herein provided for all amounts received by him as a beneficiary of such awards. The contract shall contain such other provisions as may be necessary to accomplish the purposes of the scholarships.

(3) As further evidence of the promise of the recipient to make such repayment, as to each scholarship awarded him, in the event he shall fail or refuse to fulfill the conditions and requirements herein specified as to such scholarship, he shall, when such scholarship is awarded, be required to execute and deliver to the State Board of Health a note in the principal sum of eight hundred dollars, which note shall be accepted by the State Board of Health upon the conditions specified in the note, which note shall not bear interest until the lapse of at least two years after the recipient completes his interneship, except in case of breach of any of the conditions under which the loan or loans are made in which case the note or notes shall become immediately due and payable, provided, however, that no recipient of any such scholarship shall be permitted to plead the statute of limitations or interpose a plea of infancy in the event of an action being brought against him for any such note.

(4) The State Board of Health, after notice and hearing, shall revoke and cancel the license to practice medicine of any person who has received a scholarship and has failed to comply with the conditions of either subsection (2) or (3) of this section. The State Board of Health shall prescribe rules for the return of the total amount of the scholarship

or any part thereof where a student withdraws, or is dismissed, or otherwise fails to graduate from medical school.

(5) Each recipient, when such scholarship is awarded, shall be required to insure his life, for the benefit of the State Board of Health, in a sum at least equal to the value of each scholarship awarded him, the insurance policy to contain a specific provision that the beneficiary shall not be changed with out consent of said beneficiary. Upon cancellation of each note executed by the recipient as hereinbefore provided, the beneficiary shall consent to such change in the beneficiary of the corresponding insurance policy as may be designated by the recipient. Upon the failure of the recipient to discharge his obligation either by service or payment as herein required, or by reason of his death or any other cause, the policy and any and all proceeds derived therefrom shall become the property of the beneficiary. All premiums on the insurance policy shall be paid by the recipient of the scholarship. Provided, however, if the recipient during his medical course become noninsurable, the State Board of Health may continue the loan upon such condition as it deems proper.

(6) All money repaid by recipient, and all proceeds derived by the beneficiary from such insurance policies, shall be placed in the fund which is used for medical scholarships in accordance with the provisions of this act.

(7) Each such scholarship shall be awarded for a single year, but the same student shall, after making satisfactory progress toward his degree in the discretion of the State Board of Health, receive such award for any succeeding year, provided no student shall receive any such scholarship for more than a total of four years.

(8) The funds making up each scholarship shall be paid to the recipient thereof, or applied to the payment of his expenses at the medical school, in such amounts and at such times during such school year as may be determined by the State Board of Health; provided, however, that no recipient shall receive for any scholarship less than eight hundred dollars.

Sec. 2. In order to provide funds necessary to carry out the provisions of this act, there is hereby appropriated to

the State Department of Health, out of funds otherwise unappropriated in the General Fund in the State Treasury as of the effective date of this Act, the sum of seventy-five thousand dollars to carry out the provisions of this Act, which sum shall be placed in a special fund which shall be known as the "Medical Scholarship Revolving Fund," which shall be available for use the same as other revolving funds.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	Ira W. Hulette	L. W. Preston
Harold L. Barnes	Paul Jonas	E. F. Prichard
F. H. Bassett, Jr.	L. H. Jones	Hobart Rayburn
W. G. Biggers	B. F. Kincaid	Kelse H. Risner
B. J. Bonn	Edgar Kitchen	Amos Runyan
J. C. Bradley	A. L. Love	J. W. Simmons
John Y. Brown	E. J. Lucas	Luther Slusher
Fred Creasey	Ed Marcum	Forrest Smith
L. A. Demumbrun	F. G. Marquette	W. R. Smith
Adron Doran	E. H. Martin	E. A. Spencer
G. I. Drury	W. E. McClure	E. L. Thompson
Forest C. Easley	Jack McPherron	Ray G. Tipton
Eck Embry	J. Lee Moore	E. N. Todd
R. R. Ernst	Fred Morgan	Walter L. Trivette
Tom Gilliam	Joe T. Morgan	S. J. Wagner
M. B. Gilligan	E. C. Mullins	Harry F. Walters
Otto W. Goff	J. C. Newcomb	W. W. Webster
R. M. Hall	Thos. A. Noe	Morris Weintraub
Harold G. Helm	Joe E. Nunn	Rodney Whitlow
E. R. Hilton	Louis T. Peniston	John Wilborn
Jerry F. Howell	Sylvester Phillips	—62

Those who voted in the negative were—

Roy W. Arnold	Chas. W. Burnley	J. J. Huff
Ott Begley	E. R. Denny	Geo. W. Steinford
Jack Bingham	A. H. Eversole	—8

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 417. An Act providing for district detectives for Commonwealth's Attorneys.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of section 69.110 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(2) In all judicial districts, other than those consisting of a county having a population of 150,000 or more, the Commonwealth's attorney shall appoint a district detective for a term of four years, subject to removal at any time by the Commonwealth's attorney. The detective shall serve under the direction and control of the Commonwealth's attorney. The salary of the detective shall be $2,400, payable in equal monthly installments. In judicial districts embracing only one county, the salary shall be paid by such county. In judicial districts embracing more than one county, each county shall pay a part of the salary in proportion to the amount of work attributable to the county, such proportions being certified to the respective counties by the Commonwealth's attorney.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Harold L. Barnes	M. B. Gilligan	Thos. A. Noe
F. H. Bassett, Jr.	Otto W. Goff	Louis T. Peniston
Ott Begley	R. M. Hall	Sylvester Phillips
W. G. Biggers	Clyde S. Howard	E. F. Prichard
B. J. Bonn	Maurice Howard	Kelse H. Risner
J. C. Bradley	Jerry F. Howell	Amos Runyan
John Y. Brown	Ira W. Hulette	J. W. Simmons
Fred Creasey	B. F. Kincaid	Luther Slusher
L. A. Demumbrun	Edgar Kitchen	Forrest Smith
Adron Doran	H. K. Lowman	W. R. Smith
Bernie S. Edlin	E. J. Lucas	Paul J. Stapleton
Eck Embry	E. H. Martin	Morris Weintraub
R. R. Ernst	W. E. McClure	Rodney Whitlow
A. H. Eversole	Jack McPherron	John Wilborn
Tom Gilliam	Fred Morgan	—44

Those who voted in the negative were—

Roy W. Arnold	L. H. Jones	L. W. Preston
F. O. Baker	A. L. Love	Hobart Rayburn
Chas. W. Burnley	J. Lee Moore	E. L. Thompson
G. I. Drury	Joe T. Morgan	Ray G. Tipton
Forest C. Easley	Rodes K. Myers	E. N. Todd
Harold G. Helm	J. C. Newcomb	Walter L. Trivette
J. J. Huff	Joe E. Nunn	W. W. Webster
Paul Jonas		—22

Resolved that the title thereof be as aforesaid.

Mr. McPherron moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in this House, entitled:

H. B. 313. An Act relating to cities other than first class.

H. B. 232. An Act relating to the establishment by cities of garbage disposal systems.

With amendments thereto as proposed and adopted by the Senate.

H. Res. 85. Resolution for the benefit of officers and employees of the House and Senate.

H. Res. 77. Resolution appropriating additional money for the contingent fund of the Clerk of the House.

H. Res. 74. Resolution authorizing A. B. Boyd to sue the Commonwealth.

H. Res. 51. Resolution authorizing J. K. Thompson to sue the Commonwealth.

H. Res. 38. Resolution authorizing John Cleveland to sue the Commonwealth.

Ordered that said bills and resolution which do not have amendments thereto as proposed and adopted by the Senate, be delivered to the Enrolling Clerk of this House.

Ordered that said bill with Senate amendments thereto as proposed and adopted by the Senate, be laid on the Clerk's Desk.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 450. An Act relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any election officer who willfully fails to perform the duties imposed by subsection (1) of KRS 118.280 shall be fined not less than fifty dollars nor more than two hundred and fifty dollars.

§ 2. Any member of a county board of election commissioners who is responsible for a failure to comply with the provisions of KRS 118.400 shall be fined not less than fifty dollars nor more than two hundred and fifty dollars.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	A. H. Eversole	E. H. Martin
Harold L. Barnes	Tom Gilliam	W. E. McClure
Ott Begley	M. B. Gilligan	Jack McPherron
W. G. Biggers	Otto W. Goff	Fred Morgan
B. J. Bonn	R. M. Hall	E. C. Mullins
J. C. Bradley	Harold G. Helm	Rodes K. Myers
B. K. Brantley	E. R. Hilton	Thos. A. Noe
John Y. Brown	Clyde S. Howard	Louis T. Peniston
Chas. W. Burnley	Maurice Howard	L. W. Preston
Fred Creasey	Jerry F. Howell	Kelse H. Risner
L. A. Demumbrun	Ira W. Hulette	Amos Runyan
E. R. Denny	Paul Jonas	J. W. Simmons
Adron Doran	L. H. Jones	Luther Slusher
G. I. Drury	B. F. Kincaid	Forrest Smith
Forest C. Easley	H. K. Lowman	W. R. Smith
Eck Embry	Ed Marcum	E. A. Spencer
R. R. Ernst	F. G. Marquette	Paul J. Stapleton

Geo. W. Steinford	Walter L. Trivette	Geo. J. Weining
Ralph G. Stone	Harry F. Walters	Lawrence Wells
E. L. Thompson	Lyle H. Webb	Rodney Whitlow
E. N. Todd	W. W. Webster	—62

Those who voted in the negative were—

A. L. Love	Joe T. Morgan	Hobart Rayburn

—3

Resolved that the title thereof be as aforesaid.

Mr. McClure moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And that they had passed bills and resolutions which originated in that body, entitled:

S. Res. 48. Resolution appropriating money to pay Kelly Smithers.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund, the sum of $43.65, payable to Kelly C. Smithers, Clerk of the Franklin Circuit Court, to reimburse the Clerk of the Franklin Circuit Court for money expended by him in the purchase of a permanent filing cabinet for the preservation of state records in fiscal cases, for the reimbursement of which expense funds are not otherwise available. The Department of Finance shall draw its warrant upon the Treasurer of the Commonwealth in the amount of $43.65 and the Treasurer of the Commonwealth is directed to issue his check in the said amount payable to Kelly C. Smithers, Clerk of the Franklin Circuit Court.

S. Res. 58. Resolution authorizing Stanford Ray and Mrs. J. C. Ray to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Stanford Ray and Mrs. J. C. Ray are authorized to sue the Commonwealth of Kentucky and/or the Department of Highways in the Logan Circuit Court for damages resulting from personal injury (or property damage) caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of Five Thousand Dollars ($5,000.00).

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) against the Commonwealth before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 59. Resolution authorizing George Henderson to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That George Henderson is authorized to sue the Commonwealth of Kentucky and/or the Department of Highways in the Logan Circuit Court for damage resulting from personal injury (or property damage) caused by alleged negli-

gence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of Five Thousand Dollars ($5,000.00)

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 60. Resolution authorizing Brent Hinton to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Brent Hinton is authorized to sue the Commonwealth of Kentucky and/or the Department of Highways in the Logan Circuit Court for damages resulting from personal injury (or property damage) caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of Five Thousand Dollars ($5,000.00).

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after

suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 61. Resolution authorizing Raymond Clayton to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Raymond Clayton is authorized to sue the Commonwealth of Kentucky in the Webster Circuit Court for damages resulting from damage to his crops during the years 1944 and 1945, grown on his farm in Webster County, Kentucky, on the waters of Bull Creek, and lying on the east side of U. S. Highway 41 extending from Dixon and Providence, Kentucky, which farm contains 106 acres.

Said damage was caused by the overflow of Bull Creek which passes under a bridge erected and constructed and being maintained by the State Highway Department on U. S. Highway 41. That the said overflow was due to the fact that the opening is not sufficient to permit the passage of the ordinary rainfalls in that vicinity and the water is caused to back upon the lands of the said Raymond Clayton, which results in damages to his crops.

Said suit shall be for a sum not in excess of $5,495.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settle-

ment with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by the Court or the Jury as an admission of negligence or shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 62. Resolution authorizing C. S. Rice and E. G. Rice to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That C. S. Rice and E. G. Rice, a co-partnership doing business under the name and style of Estill Motor Company, of Irvine, Kentucky, are authorized to sue the Commonwealth of Kentucky in the Estill Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employe of the Commonwealth of Kentucky while such employe was in the line of duty as an employe of this Commonwealth.

Said suit shall be for a sum not in excess of $500,00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not

be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. B. 68. An Act making provision for the representation and protection of the rights of children in divorce proceedings.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

I. (1) In any county containing a city of the second class, the fiscal court may, by resolution, authorize the appointment of a "friend of the court". If the circuit court of the county has but one judge, the appointment shall be made by the judge. If the court has two judges, the appointment shall be made by joint action of both judges. The appointment shall be for a term of two years, subject to removal at the pleasure of the appointing authority. Vacancies shall be filled by appointment by the appointing authority for the unexpired term. The person appointed shall be a licensed practicing attorney. He shall take the Constitutional oath of office and shall give bond in such sum as may be fixed by the appointing judge or judges.

(2) It shall be the duty of the friend of the court to supervise and enforce the payment of sums ordered or adjudged by the circuit court in divorce actions to be paid for the care and maintenance of minor children. All persons who have been ordered or adjudged by the court, in connection with divorce actions, to make payments for the care and maintenance of children, shall, if so ordered by the court, make such payments to the friend of the court, and he shall see that the payments are properly applied in accordance with the order or judgment. However, if the court so directs, the payments may be made through the juvenile court of the county; in such case the friend of the court shall render such assistance as may be required in keeping records concerning such payments and in the enforcement of delinquent payments, and the circuit court direct that a designated amount or portion of the funds appropriated by the fiscal court for expenses of the friend of the court to be paid to the juvenile

court as reimbursement for the expenses incurred by the juvenile court in connection with the handling of such payments. The friend of the court shall promptly investigate all cases where payments have become delinquent, and when necessary shall cause the delinquent person to be brought before the court for the purpose of compelling payment. He shall ascertain the facts concerning the care, custody and maintenance of children for whom payments are being made, and shall report to the court all cases in which the children are not receiving proper care or maintenance, or in which the person having custody is failing to furnish proper custody. He shall make such other reports to the court as the court may require.

(3) In any action for divorce where the parties have minor children, the friend of the court, if requested by the trial judge, shall make such investigation as will enable him to ascertain all facts and circumstances that will affect the rights and interests of the children and will enable the court to enter just and proper orders and judgment concerning the care, custody and maintenance of the children. He shall make a report to the trial judge, at a time fixed by the judge, setting forth his recommendations as to the care, custody and maintenance of the children. He may request the court to postpone the final submission of any case to give him a reasonable time in which to complete his investigation.

(4) The friend of the court shall have authority to secure the issuance by the court of any order, rule or citation necessary for the proper enforcement of orders and judgments in divorce actions concerning the custody, care and maintenance of children. In performing his duties under subsection (3) of this section he shall attend the taking of depositions within the county, and shall have authority to cross-examine the witnesses; in the case of depositions taken on interrogatories, he may file cross-interrogatories. He shall be duly notified of the time and place of the taking of depositions in all divorce actions where the parties have minor children, and shall attend the taking of all such depositions when he deems it necessary for the protection of the minor children, or when he may be directed by the court to attend.

(5) The "friend of the court" shall not directly or indirectly represent any party to a divorce action except as he is herein authorized to represent the minor children of parties to a divorce action, but if an allowance is made for the support of a mother and her infant child or children, he may proceed to enforce the payment of the allowance made to the mother also.

(6) The fiscal court of any county which has authorized the appointment of a friend of the court under this section shall, by resolution, fix a resonable compensation for the friend of the court, and make a reasonable allowance for his necessary supplies, equipment and expenses, payable out of the General Fund of the County, upon approval of the judge or judges apopinting him. The compensation shall not exceed $2400.00 per annum, and the allowance for expenses shall not exceed $900.00 per annum.

S. B. 88. An Act relating to rural highway funds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 179.410 is amended and re-enacted to read as follows:

The Department of Highways shall allocate the sum appropriated by the state for the construction, reconstruction, improvement and maintenance of county roads and bridges as follows:

(1) One-third of the sum appropriated shall be apportioned equally between the one hundred and twenty counties.

(2) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ratio which the rural population of each county bears to the total rural population of the state. Rural population, as used herein, means the population outside cities and towns having a population of five thousand or more as shown by the most recent decennial census of the United States Bureau of the Census.

(3) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ratio which

the square mile area of the county bears to the total square mile area of the state.

The Department of Highways at the close of each quarter of the current fiscal year, or as soon thereafter as practicable, shall furnish to the fiscal courts of the several counties a statement showing the total amount of all disbursements, the unliquidated and unencumbered balances of the funds allocated to the respective counties for that fiscal year.

S. B. 102. An Act relating to inquests concerning the mental condition of persons, etc.

Said bill is as follows, viz.:

Be it Enacted by the General Assemby of the Commonwealth of Kentucky:

1. Section 202.120 of the 1944 edition of the Kentucky Revised Statutes is amend to read as follows:

(1) If the certificate of the medical examiners mentioned in KRS 202.110 states in substance that in the opinion of such examiners the mental condition of the person is so abnormal that the safety of the person or of the public requires that he be committed for a period of care and further medical examination and observation of his mental condition, the court may commit such person to a state hospital for the insane, or to a city or county hospital in the county having a psychopathic ward or facilities suitable, in the court's opinion, for the care and medical examination and observation of mental diseases, or, upon receipt of a certificate in writing from the United States Veterans Administration or other agency of the United States Government that facilities are available and that such person is eligible for care or treatment therein, to the said United States Veterans Administration or other agency of the United States Government, for a period of care and further medical examination and observation of the mental condition of such person not to exceed thirty-five days.

(2) Within thirty days after such commitment, if the superintendent of the institution, or the responsible medical officer of the United States Veterans Administration or other federal agency to which the person has been committed,

finds that the person is sane, he shall so certify to the judge who committed the person. The judge shall thereupon order the discharge of the person, and the clerk shall mail an attested copy of the order to the superintendent or medical officer from whom the certificate was received.

(3) Within thirty days after such commitment, if the superintendent, and the clinical director or staff physician acting in the latter capacity, of the institution to which the person has been committed, or, in the case of a commitment to the United States Veterans Administration or other federal agency, the responsible medical officer and a staff physician of the administration or other agency, find that the person is insane (psychotic), they shall so certify to the court which committed him. Thereupon an inquest shall be held in accordance with the provisions of this chapter, and upon the trial the testimony of physicians appointed under KRS 202.100 may be heard, and the certificate above referred to in this subsection shall also be admissible as evidence.

2. Section 202.160 of the 1944 edition of the Kentucky Revised Statutes is amended to read as follows:

The court may order the defendant to an asylum for the insane, or to the institution for the feeble-minded, as the facts warrant, or, where eligible, to the United States Veterans Administration or other federal agency as provided in KRS 388.350, or may commit him to a properly licensed private institution, or to a committee whom the court finds to be proper and competent to minister to his welfare, except as otherwise provided.

S. B. 163. An Act relating to the licensing of motor vehicle operators.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.420 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) No person need obtain an operator's license to operate a road roller, road machinery or any tractor or imple-

ment of husbandry temporarily drawn or propelled on the highways.

"(2) Every person in the service of the Army, Navy, or Marine Corps of the United States, when furnished with an operator's permit from the United States, shall be exempt from an operator's license, when operating an official vehicle in the course of his service.

"(3) Any person in the armed forces of the United States who has in his possession a Kentucky operator's license which was issued on or after May 26, 1941, may have such license extended without cost for the remainder of the National Emergency which was declared by proclamation of the President of the United States dated May 26, 1941, and six months thereafter, by presenting in person or forwarding such license together with return postage to the circuit court clerk. As used in this subsection, the term "any person in the armed forces" means a person while in active service but the term is not intended to include persons who have been discharged from a branch of the Armed Forces of the United States."

S. B. 177. An Act relating to the excavation, recovery and preservation of fossils and other relics.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is established in the State Department of Conservation a Division of Paleontology which shall be organized on the effective date of this act and set in function as are other Divisions in this Department. Its function shall be to investigate, excavate, discover, preserve and make available for public use by means of exhibits and published reports, which shall be written, printed and distributed gratis, like other State reports, such entombed fossils, animal and other relics as may be found and recovered in the vicinity of Lower Blue Licks Spring in Nicholas County and elsewhere in Kentucky, where title in the Commonwealth of Kentucky by contract or agreement can be obtained for such fossils and relics.

Section 2. The office of the head of the Division of Paleontology in the Department of Conservation is hereby created and the officer filling this position shall be known as the State Paleontologist. He shall be appointed by the head of the Department of Conservation on the effective date of this act, and shall serve a four year term from the day of his appointment. He shall qualify, prior to appointment as a graduate geologist and paleontologist with at least five years professional experience in responsible authority. His duties shall be to fulfill the functions of this act as set forth in the previous section, write and cause to be issued printed reports from time to time on the work done and the collections made for the State. His office shall be in Frankfort, Kentucky; he shall be paid a salary and personal field and traveling expenses as are other State employees of equal grade; and he may hire for the execution of the work as previously outlined such office, field and other assistants, and purchase such equipment, including printing, as may be necessary to carry out the provisions of this act.

Section 3. All fossil and animal relics that are recovered by the Division of Paleontology of the Department of Conservation shall be and remain the property of the Commonwealth of Kentucky, and shall be properly cleaned, classified, mounted and labeled for public, scientific and educational use and shall be deposited in the Museum of the Blue Licks State Park or in other State owned and controlled museums as may be selected in the discretion of the State Paleontologist.

Section 4. For the purpose of carrying into effect the provisions of this act, there is appropriated the sum of $10,000 annually from the general funds of the Commonwealth not otherwise appropriated.

Section 5. This act to become effective upon its passage and aproval by the Governor.

S. B. 192. An Act repealing and reenacting Sec. 411 of the Civil Code of Practice.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 411 of the Civil Code Practice is amended to read as follows:

If the bond mentioned in Section 410 be not given, the Court may enter a judgment ascertaining the rights of the parties, but shall retain control over and preserve any money or property or the proceeds thereof until the expiration of the period allowed to the defendant to appear and make defense—when, if no defense be made, such money or property or its proceeds shall be delivered according to the judgment. This section and section 410 shall not apply in actions which the Commonwealth is party plaintiff, and is the beneficial owner of the demand sought to be collected.

S. B. 199. An Act to amend Sec. 246 of the Constitution.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

First: That Section 246 of the Constitution of the Commonwealth of Kentucky be amended and revised so that, as amended and revised, it will read as follows:

No public officer of employe except the Governor shall receive more than ten thousand dollars per annum, and no public officer paid on a fee basis shall receive more than five thousand dollars per annum, as compensation for official services, independent of the compensation of legally authorized deputies and assistants, which shall be fixed and provided by law. The General Assembly shall provide for the enforcement of this section by suitable penalties, one of which shall be forfeiture of office by any person violating its provisions.

Second: This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under sections 256 and 257 of the Constitution of Kentucky and under Section 118.430 Kentucky Revised Statutes.

S. B. 213. An Act relating to the disposition of real property belonging to an infant or person of unsound mind.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In all proceedings, hereafter or heretofore brought for the sale or disposition of real property belonging to an infant, or person of unsound mind or under other disability, under the provisions of section 489 of the Civil Code of Practice, no judgment rendered in such proceedings shall be held invalid or void for the want of, or defect in, the service upon such infant, incompetent or person under disability, if said infant, person of unsound mind or under other disability, has been represented in such proceeding by a duly appointed guardian, committee or guardian ad litem, for the protection of the interests of said infant, incompetent or person under other disability, any provisions, present or past, to the contrary, notwithstanding. And for the purpose of clarifying and unifying the law relating to the above, the provisions of this section shall be retroactive.

S. B. 215. An Act relating to appropriation for capital outlay.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Subsection (1) of Section (k) of Article 26 of Part 1 of Chapter 1 of the Acts of the Second Extraordinary Session of 1944 is hereby amended and re-enacted so as to read as follows, to-wit: For acquiring lands, the construction of buildings, the reconstruction of buildings, the purchase and installation of equipment and furnishings for the buildings so constructed or reconstructed, which equipment and furnishings are of a permanent nature, for the following institutions, to-wit: Western State Hospital, at Hopkinsville; Central State Hospital at Lakeland; Eastern State Hospital, at Lexington; Kentucky Training Home, at Frankfort; Houses of Reform, at Greendale; School for the Deaf, at Danville; School for the Blind, at Louisville; a War Memorial Field House at the University of Kentucky, Lexington; the Hazelwood Sanatorium at Hazelwood; Kentucky Chil-

dren's Home, Lyndon, Kentucky, Darnell State Hospital, at Danville; and State Tuberculosis Sanitoriums to be established as provided in House Bill No. 147 of the 1944 Regular Session of the General Assembly. Of the $5,300,000.00 herein appropriated, not less than $1,500,000.00 thereof shall be spent for the construction, equipment and furnishings of the State Tuberculosis Sanatoriums.

S. B. 246. An Act relating to the duties of the Division of Highway Patrol.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be the duty of every police or patrol member of the Division of Highway Patrol to take up and deliver to the proper agency any motor vehicle operators's license certificate, motor vehicle registration receipt or motor vehicle registration plate that has been cancelled, revoked, suspended, denied or withdrawn under the provisions of Chapters 186 or 187 of the Kentucky Revised Statutes. At the written request of the Department of Revenue the chief officer of the Division of Highway Patrol shall cause a member or members of the patrol to do the acts required by this section.

Ordered that said bills and resolutions be printed and referred to the Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Clerk's Desk, a bill entitled:

H. B. 232. An Act relating to the establishment by cities of garbage disposal systems.

Which was reported to this House on today from the Senate, with amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 25)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

1. Amend H. B. 232 on page 1, section 1, line 5, by adding thereto the following:

"The term 'garbage' as used in this act shall mean and include refuse and waste matters of all kinds, including wet garbage, ashes, discarded cans, paper and other materials."

2. Amend H. B. 232 on page 2, section 3, line 12 by adding thereto the following:

"If no petition is filed, the city may proceed immediately with the acquisition of a garbage disposal system."

3. Amend H. B. 232 on page 3, section 4, line 11 by adding thereto the following:

"The legislative body of the city may by ordinance provide for the collection of fees for the services to be rendered through the garbage disposal system, and may provide the terms and conditions under which the service is to be operated. The city shall by ordinance fix the charges for services, the schedule of rates, and the rules and regulations may be changed from time to time as may be required by reason of experience in the operation of the system."

4. Amend H. B. 232 on page 4, section 5, lines 1 and 2 by striking out all the words in lines 1 and 2 and inserting in lieu therefor the following:

Section 5. (1) Any city acquiring any such garbage disposal system under the provisions of this act may by ordinance provide for the operation of the system under the direction of an official of the city as designated by the legislative body, or may delegate the authority to operate the system to a commission created for the operation of some other public works in the city, including a water works, electric or gas plant, or may provide for the"

5. Amend H. B. 232 on page 4, section 5, line 4 by striking out the words "public utility" and inserting in lieu therefor the words "garbage disposal".

Said amendments were each and severally concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	Ira W. Hulette	Kelse H. Risner
Harold L. Barnes	Paul Jonas	Amos Runyan
F. H. Bassett, Jr.	B. F. Kincaid	J. W. Simmons
W. G. Biggers	Edgar Kitchen	Luther Slusher
J. C. Bradley	A. L. Love	Forrest Smith
John Y. Brown	H. K. Lowman	W. R. Smith
Chas. W. Burnley	E. J. Lucas	E. A. Spencer
Fred Creasey	Ed Marcum	Paul J. Stapleton
Adron Doran	F. G. Marquette	Geo. W. Steinford
G. I. Drury	E. H. Martin	E. L. Thompson
Forest C. Easley	W. E. McClure	Ray G. Tipton
R. R. Ernst	Jack McPherron	E. N. Todd
Tom Gilliam	J. Lee Moore	Walter L. Trivette
M. B. Gilligan	Fred Morgan	S. J. Wagner
Otto W. Goff	E. C. Mullins	Harry F. Walters
R. M. Hall	Rodes K. Myers	W. W. Webster
E. R. Hilton	J. C. Newcomb	Geo. J. Weining
Clyde S. Howard	Thos. A. Noe	Lawrence Wells
Maurice Howard	Louis T. Peniston	Rodney Whitlow
Jerry F. Howell	Slyvester Phillips	John Wilborn
J. J. Huff	E. F. Prichard	—62

Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Howell moved that a bill entitled:

H. B. 168. An Act relating to civil service employees in cities of the second and third classes.

Which was reported to this House on March 6 with amendments thereto as proposed and adopted by the Senate

Be returned to the Senate, in accordance with the request of that body on March 7, that said bill be returned to the Senate for further consideration.

Said motion was agreed to.

Ordered that the Chief Clerk return said bill to the Senate.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 381. An Act fixing the regular term of the Circuit Court in Counties of McCracken and Marshall.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

McCracken County, at Paducah, on the first Monday in January, eighteen juridical days; on the first Monday in February, forty-two juridical days; on the second Monday in April eighteen juridical days; on the second Monday in May, thirty-six juridical days; on the second Monday in September, thirty juridical days; on the second Monday in November, thirty-six juridical days.

Marshall County, at Benton, on the fourth Monday in March, twelve juridical days; on the fourth Monday in June, eighteen juridical days; on the third Monday in October, twelve juridical days.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	Ira W. Hulette	E. F. Prichard
F. H. Bassett, Jr.	L. H. Jones	Hobart Rayburn
W. G. Biggers	B. F. Kincaid	Kelse H. Risner
B. J. Bonn	Edgar Kitchen	Amos Runyan
J. C. Bradley	A. L. Love	J. W. Simmons
John Y. Brown	H. K. Lowman	Luther Slusher
Chas. W. Burnley	E. J. Lucas	Forrest Smith
Fred Creasey	Ed Marcum	W. R. Smith
G. I. Drury	F. G. Marquette	Geo. W. Steinford
Forest C. Easley	E. H. Martin	Ralph G. Stone
Eck Embry	W. E. McClure	E. L. Thompson
R. R. Ernst	Jack McPherron	Ray G. Tipton
A. H. Eversole	J. Lee Moore	E. N. Todd
Tom Gilliam	Fred Morgan	S. J. Wagner
M. B. Gilligan	Joe T. Morgan	Harry F. Walters
Otto W. Goff	E. C. Mullins	W. W. Webster
R. M. Hall	Rodes K. Myers	Geo. J. Weining
Harold G. Helm	Thos. A. Noe	Morris Weintraub
E. R. Hilton	Joe E. Nunn	Lawrence Wells
Clyde S. Howard	Louis T. Peniston	Rodney Whitlow
Maurice Howard	Sylvester Phillips	John Wilborn
J. J. Huff	L. W. Preston	—65

Resolved that the title thereof be as aforesaid.

Mr. Fred Morgan moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the orders of the Day, a bill entitled:

H. B. 193. An Act changing the terms of Circuit Court in the 23rd Judicial District.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the introductory clause and subsection 23 of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(23) TWENTY-THIRD DISTRICT. Estill County, at Irvine, on the first Monday in February, the third Monday in May, and the third Monday in September, eighteen juridical days each.

Lee County, at Beattyville, on the fourth Monday in February, the second Monday in June, and the first Monday in November, eighteen juridical days each.

Owsley County, at Booneville, on the third Monday in March, the first Monday in September, and the first Monday in December, twelve juridical days each.

WHEREAS, the changes herein made as to the time for holding certain regular terms of the Circuit Court in the Twenty-Third Judicial District will be to the advantage and convenience of the farmers in said district who may serve as jurors or who may be called as witnesses in said court, and

WHEREAS, this Act should become effective prior to the planting season in order to give full effect to said advantages and conveniences.

NOW, THEREFORE, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Harold G. Helm	E. F. Prichard
Harold L. Barnes	E. R. Hilton	Hobart Rayburn
Ott Begley	Clyde S. Howard	Kelse H. Risner
B. J. Bonn	Jerry F. Howell	Amos Runyan
J. C. Bradley	J. J. Huff	J. W. Simmons
John Y. Brown	Ira W. Hulette	Luther Slusher
Chas. W. Burnley	Paul Jonas	Forrest Smith
Fred Creasey	L. H. Jones	W. R. Smith
L. A. Demumbrun	B. F. Kincaid	Paul J. Stapleton
E. R. Denny	Ed Marcum	Geo. W. Steinford
Adron Doran	F. G. Marquette	E. L. Thompson
G. I. Drury	E. H. Martin	Ray G. Tipton
Forest C. Easley	W. E. McClure	E. N. Todd
Bernie S. Edlin	J. Lee Moore	Walter L. Trivette
Eck Embry	Fred Morgan	Harry F. Walters
R. R. Ernst	Joe T. Morgan	Lyle H. Webb
A. H. Eversole	E. C. Mullins	W. W. Webster
Tom Gilliam	Rodes K. Myers	Lawrence Wells
M. B. Gilligan	Joe E. Nunn	Rodney Whitlow
Otto W. Goff	Louis T. Peniston	John Wilborn
R. M. Hall	L. W. Preston	—62

Resolved that the title thereof be as aforesaid.

Mr. Tipton moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 395. An Act pertaining to building and loan associations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky That:

Section 289.080 of the Kentucky Revised Statutes, entitled, *"Management; Directors; Officers; Effect of Nonelection."* be amended as follows:

Sub-section one (1) of this section is amended by striking out "nine" and inserting in lieu thereof "five."

The second sentence of this sub-section is amended by striking out "owning not less than five shares each", and inserting in lieu thereof "owning not less than five unpledged shares of the association's stock."

SO THAT Sub-section (1) of Section 289.080 of the Kentucky Revised Statutes, entitled *"Management; Directors; Officers; Effect of Nonelection."*, as amended, will read as follows:

Sub-section one (1) Each association shall be managed by a Board of not less than five directors, all of whom shall be residents of this state. The directors shall be bona fide shareholders in the association, owning not less than five unpledged shares of the association's stock.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	B. K. Brantley	R. R. Ernst
Harold L. Barnes	John Y. Brown	M. B. Gilligan
F. H. Bassett, Jr.	Chas. W. Burnley	R. M. Hall
Ott Begley	Fred Creasey	Harold G. Helm
W. G. Biggers	Adron Doran	E. R. Hilton
B. J. Bonn	G. I. Drury	Clyde S. Howard
J. C. Bradley	Eck Embry	Maurice Howard

Jerry F. Howell	E. C. Mullins	Geo. W. Steinford
J. J. Huff	J. C. Newcomb	Ralph G. Stone
Ira W. Hulette	Thos. A. Noe	E. L. Thompson
Paul Jonas	Louis T. Peniston	Ray G. Tipton
B. F. Kincaid	L. W. Preston	E. N. Todd
H. K. Lowman	E. F. Prichard	Walter L. Trivette
E. J. Lucas	Kelse H. Risner	Harry F. Walters
Ed Marcum	Amos Runyan	W. W. Webster
F. G. Marquette	J. W. Simmons	Geo. J. Weining
E. H. Martin	Luther Slusher	Morris Weintraub
W. E. McClure	Forrest Smith	Rodney Whitlow
Jack McPherron	W. R. Smith	John Wilborn
Fred Morgan	Paul J. Stapleton	—59

Resolved that the title thereof be as aforesaid.

Mr. Stapleton moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Committee on Rules, to which the same had been referred, reported bills and resolutions of the following titles, viz.:

H. B. 512. An Act relating to printing.

H. B. 513. An Act relating to employes of cities of the fourth class.

H. B. 514. An Act to provide homes for Kentucky Veterans of World War II.

H. B. 515. An Act authorizing the State Board of Education to accept a conveyance of the properties of the Lincoln Institute in Shelby County.

H. B. 516. An Act relating to public printing.

S. Res. 48. Resolution appropriating money to pay Kelly Smither.

S. Res. 58. Resolution authorizing Stanford Ray and J. C. Ray to sue the Commonwealth.

S. Res. 59. Resolution authorizing George Henderson to sue the Commonwealth.

S. Res. 60. Resolution authorizing Brent Hinton to sue the Commonwealth.

S. Res. 61. Resolution authorizing Raymond Clayton to sue the Commonwealth.

S. Res. 62. Resolution authorizing C. S. Rice and E. G. Rice to sue the Commonwealth.

S. B. 68. An Act making provision for the representation and protection of the rights of children in divorce proceedings.

S. B. 88. An Act relating to rural highway funds.

S. B. 102. An Act relating to inquests concerning the mental condition of persons, etc.

S. B. 163. An Act relating to the licensing of motor vehicles operators.

S. B. 177. An Act relating to the excavation, recovery and preservation of fossils and other relics.

S. B. 192. An Act repealing and reenacting Sec. 411 of the Civil Code of Practice.

S. B. 199. An Act to amend Sec. 246 of the Constitution.

S. B. 213. An Act relating to the disposition of real property belonging to an infant or person of unsound mind.

S. B. 215. An Act relating to appropriation for capital outlay.

S. B. 246. An Act relating to the duties of the Division of Highway Patrol.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Howell of the Committee on Conference heretofore appointed by the Speaker, reported to the House as follows:

The Committee on Conference heretofore appointed to act on the part of the Senate and confer with a like Committee on the part of the House to settle the differences between the two Houses concerning a bill entitled:

H. B. 124. An Act appropriating money for the operation, maintenance, support and functioning of the State Government, etc.

Reports that the two Committees have been unable to agree in regard to said differences and respectfully requests that it be discharged.

C. W. Maloney, Chairman
Homer E. Losey, Secretary
Jerry F. Howell
Adron Doran
Ray B. Moss
Louis Cox

Thereupon said Committee on Conference on the part of the House was discharged from further consideration of said bill.

A message was received from the Senate announcing that the Senate has reconsidered a bill which originated in the House, entitled:

H. B. 124. An Act appropriating money for the operation, maintenance, support and functioning of the State Government for the fiscal years ending June 30, 1947, and June 30, 1948, etc.

With an amendment thereto by way of substitute therefor as previously proposed and adopted by the Senate.

And the Senate has reconsidered the vote by which said bill was passed by the Senate, as amended, on March 4, 1946 and has proposed and adopted further amendments to said bill by way of substitute therefor, and has passed said bill, respectfully requesting the concurrence of this Honorable Body.

(For bill see House Journal of February 19.)

(For amendment by way of Substitute as originally proposed and adopted by the Senate, see Journal of March 5.)

Said further amendment by way of substitute as proposed and adopted by the Senate, is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1946, and ending June 30, 1947, and for the fiscal year beginning July 1, 1947, and ending June 30, 1948, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, printing of County Record Books, Judiciary and Court Costs, Confederate Pensions, Frankfort Cemetery, Jefferson and Kenton County Fees and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42 and 45 of the Kentucky Revised Statutes, for which the specific appropriation is herein listed, excepting those listed in Parts Two and Three of this Budget Act, for the following purposes:

PART ONE

1. LEGISLATIVE

(a) *Legislative Sessions.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 250,000.00

(b) *The Council of State Governments.* For aiding in the defraying of expenses of this Agency,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

2. LIEUTENANT GOVERNOR

(a) *Lieutenant Governor.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 2,400.00
1947-1948 ..... $ 2,400.00

3. JUDICIARY AND COURT COSTS

(a) *Court of Appeals.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 43,250.00
1947-1948 ..... $ 43,250.00

(b) *Clerk of Court of Appeals.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 17,500.00
1947-1948 ..... $ 17,500.00

(c) *Judicial Council.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 1,050.00
1947-1948 ..... $ 1,050.00

(d) *Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), Commissions on Fines and Forfeitures.* For ordinary recurring expenses of operation of the laws applicable to Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), and Commissioners on Fines and Forfeitures,

1946-1947 ..... $1,100,000.00
1947-1948 ..... $1,100,000.00

(e) *Salaries—Judges and Commonwealth's Attorneys.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 290,000.00
1947-1948 ..... $ 290,000.00

(f) *Return of Fugitive from Justice.* For ordinary recurring expenses of operation in paying for return of fugitives from justice authorized by the Governor which have not been previously paid,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(g) *County Highway Patrol.* For the purpose of paying sheriffs of the various counties for performing duties as required by law,

1946-1947 ..... $ 140,000.00
1947-1948 ..... $ 140,000.00

(h) *Judiciary Building.* For capital outlay in constructing and equipping a suitable building to accommodate the Court of Appeals, the Clerk of the Court of Appeals, the Department of Law, and the State Law Library,

1946-1947 ..... $ 300,000.00
1947-1948 ..... $ 300,000.00

(The above appropriations shall be expended by and under the direction of a Judiciary Building Commission, which is hereby created, consisting of the Governor, the Attorney General, and the Chief Justice of the Court of Appeals. Said Commission is authorized and empowered to adopt plans and specifications for the constructing and equipping of a Judiciary Building as it may deem best and most suitable for the accommodation of the Court of Appeals, the Clerk of the Court of Appeals, the Department of Law, and the State Law Library. The building shall be erected upon the grounds now owned by the State immediately south of the New State Capitol, the exact site to be selected by the Commission. After plans and specifications have been adopted by the Commission, it shall advertise for sealed proposals for the work or any part thereof, and the work shall be awarded to the lowest and best bidder, due regard being had to the responsibility of the bidder. Every contractor shall be required to execute bond conditioned for the faithful performance of his contract,

with surety to be approved by the Commission. The Commission may employ an architect and a superintendent of the building, and fix the compensation thereof. Copies of all contracts made by the Commission shall be filed with the Department of Finance. Warrants for the expenditures shall be issued by the Commissioner of Finance upon order of the Commission.)

4. EXECUTIVE DEPARTMENT

(a) *Governor.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 23,500,00
1947-1948 ..... $ 23,500.00

(b) *Executive Cabinet.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(c) *Contingent Fund.* For ordinary recurring contingent expenses of operation,

1946-1947 ..... $ 6,000.00
1947-1948 ..... $ 6,000.00

(d) *Emergency Fund.*

General Emergency Fund. For meeting ordinary recurring and extraordinary expenses deemed emergencies by the Governor, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund.

1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

5. SECRETARY OF STATE

(a) *Secretary of State.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 21,000.00
1947-1948 ..... $ 21,000.00

(b) *Land Office.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 1,200.00
1947-1948 ..... $ 1,200.00

6. DEPARTMENT OF LAW

(a) *Attorney General.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 41,000.00
1947-1948 ..... $ 41,000.00

(b) *Cost of Suits.* For extraordinary expenses of operation and payment of Clerks, Sheriffs, Public Officials, and other necessary expenses in discharging the State's obligations in prosecuting in the interest of the State, as required by law,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(c) *Statute Revision Commission.* For ordinary recurring expenses of operation and extraordinary expenses deemed necessary by the Commission,

1946-1947 ..... $ 28,800.00
1947-1948 ..... $ 12,000.00

7. DEPARTMENT OF TREASURY

(a) *State Treasurer.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 37,500.00
1947-1948 ..... $ 37,500.00

(Of this amount, no sum shall be used for printing checks used for the State Highway Department and Recipients of Public Assistance as administered by the Welfare Department. The costs shall be borne by the respective departments.)

(b) *Capital Outlay.* For capital outlay necessary for the Department of Treasury,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(c) *Custodian of Securities.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 600.00
1947-1948 ..... $ 600.00

8. AUDITOR OF PUBLIC ACCOUNTS

(a) *Auditor of Public Accounts.* For ordinary recurring expenses of auditing for the benefit of the State, including

all State Agencies and County Officials receiving or disbursing public monies belonging to the State,

1946-1947 ..... $ 40,000.00
1947-1948 ..... $ 40,000.00

9. DEPARTMENT OF FINANCE

(a) *Commissioner of Finance.* For ordinary recurring expenses of the various divisions within the Department of Finance, including the administration of Confederate Pensions, and administration of Public Printing,

1946-1947 ..... $ 155,000.00
1947-1948 ..... $ 155,000.00

(b) *Division of Public Properties.* For custodial care of public properties and for ordinary recurring expenses of operation,

1946-1947 ..... $ 127,000.00
1947-1948 ..... $ 127,000.00

(c) *New Lands and Buildings (Capital Outlay).* For capital outlay in the acquisition of lands and buildings and the construction, reconstruction or repair of buildings and equipment and fixtures appurtenant thereto, and for architectural and engineering fees, and for commissions, and to include the acquisition and installation of an adequate ventilating system for the House of Representatives and the Senate of the General Assembly,

1946-1947 ..... $ 200,000.00
1947-1948 ..... $ 200,000.00

(d) *Public Printing Costs.* For ordinary recurring expenses of paper and printing costs, not a specific charge against other budget units,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 12,000.00

(e) *Public Record Books. (Paper and Printing.)* For ordinary recurring expenses necessary in the purchase and replacement of public record books as provided in KRS 28.130,

1946-1947 ..... $ 64,500.00
1947-1948 ..... $ 64,500.00

(f) *Registration Books and Supplies.* For ordinary re-

curring expenses in purchasing additional registration books and supplies as required in KRS 117.070,

1946-1947 ..... $ 250.00
1947-1948 ..... $ 250.00

(g) *Paper for Election Ballots and General Assembly.* For ordinary recurring expenses in furnishing paper for ballots for State elections and for the General Assembly, as required by law,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(h) *Paper (Revolving Fund.)* To be used for the purpose of paper to be held in stock until charges for paper used by the budget classes are made against the various budget units,

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(i) *Postage. (Revolving Fund.)* To be used for the purchase of postage to be held in stock until charges for postage used by the budget classes are made against the various budget units,

1946-1947 ..... $ 8,000.00
1947-1948 ..... $ 8,000.00

(j) *Confederate Pensions.* For the payment of pensions heretofore allowed by law, or that may be allowed hereafter,

1946-1947 ..... $ 75,000.00
1947-1948 ..... $ 75,000.00

10. KENTUCKY AERONAUTICS COMMISSION

(a) *Kentucky Aeronautics Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

11. DEPARTMENT OF REVENUE

(a) *Commissioner of Revenue.* For ordinary recurring expenses of various Divisions of the Department of Revenue,

1946-1947 ..... $ 400,000.00
1947-1948 ..... $ 400,000.00

(b) *Capital Outlay.* For capital outlay for the acquisition and installation of machinery and equipment,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00

Miscellaneous Revenue Agencies

(a) *County Tax Commissioners.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 400,000.00
1947-1948 ..... $ 400,000.00

(b) *County Boards of Supervisors.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 18,000.00
1947-1948 ..... $ 18,000.00

12. ELECTIONS

(a) *Board of Election Commissioners.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 750.00
1947-1948 ..... $ 750.00

(b) *Board of Registration and Purgation.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 500.00
1947-1948 ..... $ 500.00

13. DEPARTMENT OF CONSERVATION

(a) *Office of Commissioner.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 7,500.00
1947-1948 ..... $ 7,500.00

(b) *Division of State Parks.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 34,000.00
1947-1948 ..... $ 34,000.00

(c) *For Capital Outlay.*

1946-1947 ..... $ 450,000.00
1947-1948 ..... $ 450,000.00

(d) *Cumberland Gap National Park. Capital Outlay.* For the purchase of land in order to cooperate with the National Park Service, and the States of Virginia and Tennessee in the establishment of a Cumberland Gap Park,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(e) *Division of Forestry.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 75,000.00
1947-1948 ..... $ 75,000.00

(f) *Division of Publicity.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 35,000.00

(g) *Division of Soil and Water Resources.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00

(h) *Division of Recreation.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 18,000.00
1947-1948 ..... $ 18,000.00

14. DEPARTMENT OF MILITARY AFFAIRS

(a) *Adjutant General.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(b) *Veterans' Division.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(c) *Division of Armories.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 42,000.00
1947-1948 ..... $ 42,000.00

(d) *Kentucky Active Militia.* For ordinary recurring expenses of operation,

1946-1947	$	35,000.00
1947-1948	$	35,000.00

15. DEPARTMENT OF AGRICULTURE

(a) *Commissioner of Agriculture.* For ordinary recurring expenses of operation,

1946-1947	$	47,500.00
1947-1948	$	47,500.00

(It is the intention of the Legislature that this appropriation shall be applicable to general administrative expenses, required by law, including office expenses, "Inspection of Tobacco Warehouses" during the second and third quarters of each fiscal year, "Division of Markets", "Weights and Measures".)

(b) *State Board of Agriculture.* For ordinary recurring expenses of operation and extraordinary expenses designated by law,

1946-1947	$	20,000.00
1947-1948	$	20,000.00

(It is the intention of the Legislature that this appropriation shall be applicable to the "Per Diems and Expenses of Board Members" and to expenses of the "Live Stock Sanitary Division".)

(c) *Bang's Disease and Bovine Tuberculosis.* For ordinary recurring expenses of operation,

1946-1947	$	25,000.00
1947-1948	$	25,000.00

(It is the intention of the Legislature that this money is to be used for the treatment of the disease and the paying for the diseased livestock and not for the purpose of paying administrative expenses.)

(d) *4-H Club and Future Farmer Work.* For paying premiums for 4-H Club and Future Farmer Work and for the

promotion and encouragement of 4-H Club and Future Farmer activities in Kentucky,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(e) *State Fair Board.*

(1) For per diem and expenses of Board members,

1946-1947 ..... $ 750.00
1947-1948 ..... $ 750.00

(2) Premiums for State Fair,

1946-1947 ..... $ 45,000.00
1947-1948 ..... $ 45,000.00

(3) Retiring a part of the M. & M. Building bonded indebtedness maturing,

November 1, 1946 ..... $ 14,000.00
November 1, 1947 ..... $ 14,000.00

(f) *Soil Conservation Committee.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

16. DEPARTMENT OF HEALTH

(a) *Department of Health—General.* For ordinary recurring expenses of operation, including laboratory service,

1946-1947 ..... $ 175,000.00
1947-1948 ..... $ 175,000.00

(b) *Prevention of Blindness.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 3,500.00
1947-1948 ..... $ 3,500.00

(c) *County Health Units and Departments.* For ordinary recurring expenses of operation including Visiting Nurse Service,

1946-1947 ..... $ 375,000.00
1947-1948 ..... $ 375,000.00

(d) *Hazelwood Sanatorium.*

(1) For ordinary recurring expenses of operation,

1946-1947 ..... $ 300,000.00
1947-1948 ..... $ 300,000.00

(2) For extraordinary expenses of interest on Hazelwood Sanatorium bonds and Sinking Fund requirements,

1946-1947 ..... $ 3,500.00
1947-1948 ..... $ 3,500.00

(e) *Kentucky Crippled Children's Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 150,000.00
1947-1948 ..... $ 150,000.00

(f) *Julius Marks Sanatorium.* For ordinary recurring expenses of operation as provided for in KRS 215.320,

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(g) *Covington, Kenton County, T. B. Sanatorium.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(h) *Warren County T. B. Sanatorium...* For ordinary recurring expenses of operation,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(i) *Kentucky Division of Women's Field Army of American Society for Control of Cancer.* For ordinary recurring expenses and for educational purposes in connection with control of cancer, for care of indigent cancer patients, and for control of cancer under supervision of State Board of Health,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00

(j) *Capital outlay for State Tuberculosis Sanatoria (other than Hazelwood).* For capital outlay in the construction, equipping, and furnishing of state tuberculosis sanatoria, in accordance with the provisions of KRS 215.071 to 215.074, supplementing any funds available for said purpose

under the provisions of Chapter I of the Acts of the Second Extraordinary Session of the 1944 General Assembly,

1946-1947 ..... $ 1,500,000.00
1947-1948 ..... $ 775,000.00

(k) *Colored Red Cross Hospital.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

17. DEPARTMENT OF WELFARE

(a) *Office of Commissioner of Welfare.* For ordinary recurring expenses of operation in the administration of the Department of Welfare,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(b) *Division of Fiscal Control.* Ordinary recurring expenses or operation,

1946-1947 ..... $ 55,000.00
1947-1948 ..... $ 55,000.00

(c) *Division of Hospitals and Mental Hygiene.* For ordinary recurring expenses of operation of the charitable institutions and Darnall Hospital of the Department of Welfare,

1946-1947 ..... $2,100,000.00
1947-1948 ..... $2,300,000.00

(d) *Division of Corrections.* For ordinary recurring expenses of operation of:

(1) Office of Director of Division, including administration of probation and parole,

1946-1947 ..... $ 105,000.00
1947-1948 ..... $ 105,000.00

(2) Houses of Reform, State Reformatory, State Penitentiary, Women's Prison,

1946-1947 ..... $ 995,000.00
1947-1948 ..... $ 995,000.00

(e) *Kentucky Children's Home.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 110,000.00
1947-1948 ..... $ 110,000.00

(f) *Division of Engineering.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 75,000.00
1947-1948 ..... $ 75,000.00

(g) *Social Security Administration.* For ordinary expenses of operation and cooperation with the federal government under the Social Security Act approved August 14, 1935, including adjustments of prior year or current year accounts necessary to comply with the federal regulation, and for the administration of Old Age Assistance, KRS 205.010 to 205.080, including the cost of printing checks for recipients of Public Assistance program. Also, for administration of the Child Welfare program and for the administration of the statutes pertaining to "Aid to Dependent Children" and to "Aid to the Blind",

(1) *Division of Child Welfare.* Expenses of operation,
1946-1947 ..... $ 75,000.00
1947-1948 ..... $ 75,000.00

a. Benefits for Dependent Children,
1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

(2) Office of Commissioner of Welfare, in administration of Social Security program,
1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(3) Fiscal Control and Management,
1946-1947 ..... $ 70,000.00
1947-1948 ..... $ 70,000.00

(4) Division of Public Assistance;
a. Office of Director of Division,
1946-1947 ..... $ 70,000.00
1947-1948 ..... $ 70,000.00

b. Old Age Assistance Payments, Aid to the Needy Blind, and Aid to Dependent Children, and not to be used for cost of administration,
1946-1947 ..... $4,750,000.00
1947-1948 ..... $4,750,000.00

c. Field Operations in Administration of Public Assistance Program,

1946-1947 ..... $ 250,000.00
1947-1948 ..... $ 250,000.00

(h) *Home for Incurables.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(i) *Conveyance of Lunatics.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 8,000.00
1947-1948 ..... $ 8,000.00

(j) *Pauper Idiots.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 65,000.00
1947-1948 ..... $ 65,000.00

18. DEPARTMENT OF EDUCATION

(a) *Superintendent of Public Instruction.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(b) *Division of Certification.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(c) *State Board of Education.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 14,000.00
1947-1948 ..... $ 14,000.00

(d) *State Textbook Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 250.00
1947-1948 ..... $ 250.00

(e) *Common School Per Capita Fund.* For the payment and increase of the monthly salaries of teachers and for no other purpose,

1946-1947 ..... $16,511,062.37
1947-1948 ..... $16,511,062.37

The State Board of Education is directed to approve no working budget or salary schedule for a local board of education for the school years 1946-1947 and 1947-1948 in which the total amount budgeted for teachers' salaries in the school year 1945-1946 is not increased by the additional amount of per capita revenue apportioned to that district, over that received in the school year 1945-1946, except where there is a decline in local revenue of that district after the district has levied the maximum ad valorem tax rate permitted by law. Any such reduction permitted shall be only for the amount of the decline in local revenue.

(f) *Interest on State School Bonds.* From interest on State School bonds, as provided by the State Constitution, for the support of common schools, which amount shall be used to supplement the appropriation of common school per capita in item (e),

1946-1947 ..... $ 138,937.63
1947-1948 ..... $ 138,937.63

(g) *Equalization Fund.* For equalization of educational services in the common schools to be expended as provided by law and regulations of the State Board of Education,

1946-1947 ..... $1,850,000.00
1947-1948 ..... $1,850,000.00

(h) *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not exceeding 3% of this appropriation may be used for administration,

1946-1947 ..... $ 500,000.00
1947-1948 ..... $ 500,000.00

(i) *Vocational Education.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 300,000.00
1947-1948 ..... $ 300,000.00

(j) *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry and otherwise,

1946-1947 ..... $ 75,000.00
1947-1948 ..... $ 75,000.00

(k) *Kentucky State College for Negroes*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 225,000.00
1947-1948 ..... $ 225,000.00

2. For capital outlay,

1946-1947 ..... $ 200,000.00
1947-1948 ..... $ 200,000.00

(l) *Lincoln Institute of Kentucky.* For ordinary recurring expenses for operating a practice teacher training high school in accordance with a contract between the State Board of Education and the Board of Trustees of Lincoln Institute,

1946-1947 ..... $ 45,000.00
1947-1948 ..... $ 45,000.00

(m) *West Kentucky Vocational Training School for Negroes.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 55,006.00
1947-1948 ..... $ 55,006.00

2. For capital outlay,

1946-1947 ..... $ 60,000.00
1947-1948 ..... $ 60,000.00

(n) *College Tuition for Negroes.* For extraordinary expenses of paying college tuition for Negro students required to go out of the State to obtain higher educational training,

1946-1947 ..... $ 30,000.00
1947-1948 ..... $ 30,000.00

(o) *Kentucky School for the Blind—White.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 85,000.00
1947-1948 ..... $ 85,000.00

2. For capital outlay,

1946-1947 only ..... $ 75,000.00

(p) *Kentucky School for the Blind—Colored.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(q) *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(r) *Mayo State Vocational School.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 35,000.00
1947-1948 ..... $ 35,000.00

For capital outlay,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(s) *Public School Lunch Program.* For ordinary recurring expenses of operation, to be administered by the Superintendent of Public Instruction,

1946-1947 ..... $ 16,800.00
1947-1948 ..... $ 16,800.00

(t) *Kentucky School for the Deaf—White.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 150,000.00
1947-1948 ..... $ 150,000.00

2. For capital outlay,

1946-1947 ..... $ 175,000.00
1947-1948 ..... $ 175,000.00

(u) *Kentucky School for the Deaf—Colored.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(v) *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, KRS 161.220 to 161.710, an amount not to exceed,

1946-1947 ..... $ 850,000.00
1947-1948 ..... $ 850,000.00

(w) *Northern Kentucky Vocational Training School.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00

19. UNIVERSITY OF KENTUCKY

(a) *Division of Colleges.* For ordinary recurring expenses of operation,

1946-1947 ..... $1,580,000.00
1947-1948 ..... $1,580,000.00

(b) *College of Agriculture.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 40,000.00
1947-1948 ..... $ 40,000.00

(c) *Summer School Session.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 11,000.00
1947-1948 ..... $ 11,000.00

(d) *Repairs to Buildings.* For ordinary and extraordinary expenses of operation,

1946-1947 ..... $ 40,000.00
1947-1948 ..... $ 40,000.00

(e) *Strawberry Marketing and Labeling Act.* For ordinary recurring expenses of administration,

1946-1947 ..... $ 1,500.00
1947-1948 ..... $ 1,500.00

(f) *For Extraordinary Expenses.*

1. Library Equipment (capital outlay),

1946-1947 ..... $ 11,000.00
1947-1948 ..... $ 11,000.00

2. Scientific Laboratory Equipment (capital outlay),

1946-1947 ..... $ 40,000.00
1947-1948 ..... $ 40,000.00

3. Engineering Equipment, generally (capital outlay),

1946-1947 ..... $ 22,000.00
1947-1948 ..... $ 22,000.00

4. Home Economics Equipment (capital outlay),

1946-1947 ..... $ 11,000.00
1947-1948 ..... $ 11,000.00

(g) *Experiment Station.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 55,000.00
1947-1948 ..... $ 55,000.00

(h) *Tobacco Research.* For research and experimental purposes in an effort to find new commercial uses for tobacco and its by-products,

1946-1947 ..... $ 7,500.00
1947-1948 ..... $ 7,500.00

(i) *Research in Coal.*

1946-1947 ..... $ 8,250.00
1947-1948 ..... $ 8,250.00

(j) *Service Laboratories.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 23,100.00
1947-1948 ..... $ 23,100.00

(k) *Nursery Inspection.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(l) *Princeton Sub-station.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 17,600.00
1947-1948 ..... $ 17,600.00

(m) *Quicksand Sub-station.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 17,600.00
1947-1948 ..... $ 17,600.00

(n) *Agricultural Extension Work.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 250,000.00
1947-1948 ..... $ 250,000.00

(o) *Horticulture.* For ordinary recurring expenses of operation as necessary in performing the duties required of the Kentucky Agricultural Experiment Station, as defined in KRS 247.060,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(p) *Capital Outlay.*

1946-1947 ..... $ 525,000.00
1947-1948 ..... $ 525,000.00

20. STATE TEACHERS' COLLEGES

(a) *Eastern Kentucky State Teachers' College.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 351,000.00
1947-1948 ..... $ 351,000.00

2. For capital outlay,

1946-1947 ..... $ 135,000.00
1947-1948 ..... $ 135,000.00

(b) *Morehead State Teachers' College.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 306,000.00
1947-1948 ..... $ 306,000.00

(c) *Murray State Teachers' College.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 325,000.00
1947-1948 ..... $ 325,000.00

2. For capital outlay,

1946-1947 ..... $ 200,000.00
1947-1948 ..... $ 225,000.00

(d) *Western Kentucky State Teachers' College.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 434,000.00
1947-1948 ..... $ 434,000.00

2. For capital outlay,

1946-1947 ..... $ 200,000.00
1947-1948 ..... $ 200,000.00

21. DEPARTMENT OF LIBRARY AND ARCHIVES

(a) *Law Librarian.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 12,000.00
1947-1948 ..... $ 12,000.00

(b) *Law Library Books.* For ordinary recurring expenses of operation as provided for under KRS 171.110,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(c) *Library Sales Account—Kentucky Reports.* For ordinary and extraordinary expenses of paying the costs of

publishing the Kentucky Reports and pamphlets of opinions of the Court of Appeals,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(d) *Distribution and Repair of Books.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 1,000.00
1947-1948 ..... $ 1,000.00

(e) *Division of Library Extension.* For ordinary recurring expenses of operation, and shall not be transferred or used for any other purpose,

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(f) *Kentucky State Historical Society.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

For capital outlay, to be expended by the Kentucky State Historical Society, for the restoration of the "Old Governor's Mansion" in Frankfort, Kentucky, to be used as a State Museum under the control of the Kentucky State Historical Society,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

22. DEPARTMENT OF BUSINESS REGULATION

(a) *Division of Athletic Control.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(b) *Division of Banking and Small Loans.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 45,000.00
1947-1948 ..... $ 45,000.00

(c) *Division of Insurance.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 40,000.00
1947-1948 ..... $ 40,000.00

(d) *Division of Securities.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 7,000.00
1947-1948 ..... $ 7,000.00

23. DEPARTMENT OF INDUSTRIAL RELATIONS

(a) *Office of the Commissioner.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 8,000.00
1947-1948 ..... $ 8,000.00

(b) *Division of Wages and Hours for Women and Minors.* For ordinary recurring expenses of operation, including labor and statistics generally and inspection services,

1946-1947 ..... $ 35,000.00
1947-1948 ..... $ 35,000.00

24. DEPARTMENT OF MINES AND MINERALS

(a) *Division of Coal Mining.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 130,000.00
1947-1948 ..... $ 130,000.00

(b) *Capital Outlay.* For establishing and equipping Mine Rescue Stations,

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(c) *Division of Geology.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00

25. RAILROAD COMMISSION

(a) *Railroad Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 24,000.00
1947-1948 ..... $ 24,000.00

(b) *Assistant Attorney General for Railroad Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 7,000.00
1947-1948 ..... $ 7,000.00

26. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

(a) *Office of Commissioner.* For ordinary recurring expenses of the department,

1946-1947 ..... $ 150,000.00
1947-1948 ..... $ 150,000.00

27. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

(a) *Money Refunded.* For refunding money paid to the State Treasurer, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney General and approved by the Commissioner of Finance,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(b) *Bonds of Elective Officers.* For payment of premiums on bonds of elected State officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State,

1946-1947 ..... $ 1,500.00
1947-1948 ..... $ 1,500.00

(c) *Judgments.* For the payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(d) *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. & M. bonds as provided by KRS 164.520,

1946-1947 ..... $ 9,900.00
1947-1948 ..... $ 9,900.00

(e) *Frankfort Cemetery.* For the purpose of assisting in the care of graves in the Frankfort Cemetery to be paid to persons authorized by law to receive same,

1946-1947 ..... $ 250.00
1947-1948 ..... $ 250.00

(f) *Statutes and Codes for Courts.* For paying for replacements and purchases of statutes and codes for the Courts as provided in KRS 57.340,

1946-1947 ..... $ 1,500.00
1947-1948 ..... $ 1,500.00

(g) *Jefferson County Fees.* For paying various officials of Jefferson County 75 percent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1946-1947 ..... The amount necessary
1947-1948 ..... The amount necessary

(h) *Kenton County Fees.* For paying various officials of Kenton County seventy-five percent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1946-1947 ..... The amount necessary
1947-1948 ..... The amount necessary

(i) *Capital Outlay for Rehabilitation of Institutions.* For acquiring lands, construction of buildings, reconstruction of buildings, and the purchase and installation of equipment and furnishings of a permanent nature, for any charitable, penal or eleemosynary institution, supplementing and in addition to any funds available for said purpose under the provisions of Chapter I of the Acts of the Second Extraordinary Session of the 1944 General Assembly,

1946-1947 ..... $ 1,000,000.00
1947-1948 ..... $ 1,000,000.00

The Governor, with the advice of the Commissioner of Finance, the Commissioner of Revenue, the Commissioner of Welfare, and the State Treasurer, may contract for capital

improvements for any of the institutions above specified, and shall make direct approval of all expenditures from the appropriations made in this subsection. Provided, however, no new institution shall be constructed.

PART TWO

REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various professional boards or other boards, commissions, institutions, agencies or subdivisions of the State Government for the fiscal year ending June 30, 1947, and for the fiscal year ending June 30, 1948, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, and other miscellaneous receipts produced by any of the following professional boards, or other boards, commissions, institutions, agencies, and subdivisions of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named professional boards, or other boards, commissions, institutions, agencies and subdivisions of the State Government, the receipts which are received by each of the respective professional boards, or other boards, commissions, institutions, agencies or subdivisions of the State Government which receipts are placed to the credit of a Revolving Fund out of which shall be established separate Revolving Fund Accounts for the use and benefit of the separate professional boards, or other boards, commissions, institutions, agencies and/or subdivisions of the State Government. Withdrawal from the said Revolving Fund by each of the said professional boards, or other boards, commissions, institutions, agencies, and/or subdivisions of the State Government may be made when and if needed for capital outlay and ordinary recurring expenses of operation properly approved by the Department of Finance, Division of Accounts and Control, and said requisitions shall not be approved unless there is to the credit of the Revolving Fund of such professional board, or other board, commission, institution, agency and/or sub-division of the State Government, a free and unencumbered sum equal to the amount of the requisition.

The total amount any agency may requisition from the Revolving Fund Account, through the Department of Finance, shall not during the fiscal year ending June 30, 1947, nor during the fiscal year ending June 30, 1948, exceed the amount placed to the credit of the Revolving Fund for such year, out of which has been established a Revolving Fund Account for each separate agency during such fiscal year, plus any balance which said professional board, or other board, commission, institution, agency and/or sub-division of the State Government may have had forwarded from the preceding year, on or before September 30 of the then current fiscal year, by the Department of Finance.

SECRETARY OF STATE

Process Agents. All revenue received under KRS 217.090 not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

Corporations. All revenue received under KRS 271.030, not exceeding seven thousand five hundred dollars ($7,500.-00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

Expenses of Federal Elections. All money received from the Federal Government to reimburse the State for expenses incurred in elections for Federal officers.

AUDITOR OF PUBLIC ACCOUNTS

County Audits. For the use and benefit of said office in the examination of records of county officers receiving or disbursing public money belonging to the county, all of the fees that may be collected for the fiscal year, as provided in KRS 43.070, and all other fees that may be received in connection with such examinations.

DEPARTMENT OF FINANCE

Truck Licenses—County Portion. There shall be credited to this fund for the purpose of distribution to counties such

portion of truck licenses as is provided by law, at such times as the Department of Finance may order.

New Lands and Buildings. For capital outlay, restoration, repairing, replacement, equipment, maintenance and improvement of state property, any and all monies, not otherwise appropriated or obligated, that have been and that may be received from the Feneral Government or any Federal Agency, as a reimbursement of any New Land and Building or Improvement Program which may be made applicable for use of said purposes or any of them.

DEPARTMENT OF REVENUE

Operators' Licenses. There shall be credited to this fund such receipts as are specifically provided for under KRS 186.410.

Back Tax Section. (Delinquent Taxes.) There shall be credited to this Revolving Fund such fees and revenues as are provided for by KRS 134.400.

DIVISION OF GAME AND FISH

DEPARTMENT OF CONSERVATION

Division of State Parks.
Division of Forestry.
Division of Publicity.

MILITARY DEPARTMENT

Industrial Peace Officers. All fees paid under KRS 61.360.

COMMISSIONER OF AGRICULTURE

Dog Law Enforcement.
Inspection—Stockyard Weighmen.
Inspection—Tobacco Warehouse Weighmen.

STATE FAIR BOARD

Continuing Fund—Operation.
Construction Fund.

DEPARTMENT OF HEALTH

Department of Health—General and Federal.
Hazelwood Sanatorium.
State Tuberculosis Sanatoria other than Hazelwood.
Kentucky Crippled Children's Commission.

DEPARTMENT OF WELFARE

Division of Hospitals and Mental Hygiene.
Division of Corrections.
Division of Child Welfare.
Division of Public Assistance.
Metal Stamping Plant.
Welfare Construction Fund.
Children's Home Society—White.

DEPARTMENT OF EDUCATION

Any private or Federal Funds that may become available for use in connection with the Department.
Kentucky State College for Negroes.
West Kentucky Vocational Training School for Negroes.
Mayo State Vocational School.
Northern Kentucky Vocational School.
State Board of Education—School Lunch Program.
State Board of Education—Investment Fund.
Kentucky School for the Deaf.
Kentucky School for the Blind.
Workshop for the Adult Blind.
Lincoln Institute.

UNIVERSITY OF KENTUCKY

STATE TEACHERS' COLLEGES

Eastern Kentucky State Teachers' College.
Morehead State Teachers' College.
Murray State Teachers' College.
Western Kentucky State Teachers' College.

DEPARTMENT OF LIBRARY AND ARCHIVES

Kentucky Historical Society.

Stephenson Fund.

Library Extension Division.

State Board for Certification of Librarians.

PROFESSIONAL BOARDS AND COMMISSIONS

State Board of Accountancy.

State Board of Examiners and Registration of Architects.

State Board of Barber and Beautician Examiners.

State Board of Chiropractic Examiners.

State Board of Dental Examiners.

State Board of Embalmers.

State Board of Pharmacy.

State Board of Pharmacy Prophylactic Enforcement.

State Board of Examiners of Trained Nurses.

State Board of Veterinary Examiners.

State Board of Bar Examiners.

Insurance Examiners Expense.

State Board of Professional Engineers.

Kentucky State Real Estate Commission.

DEPARTMENT OF BUSINESS REGULATION

1. *Division of Insurance Fire Prevention.* All fees, receipts, collections and assessments paid into the State Treasury during the calendar years 1946 and 1947, under KRS 136.360, and also an amount equal to twenty-five percent (25%) of all fees and other receipts paid into the State Treasury during such years, pursuant to the provisions of subsections (1) to (10) of KRS 296.320, hereby are appropriated to the Division of Insurance, Fire Prevention and Rates Section, for the fiscal years ending June 30, 1947, and June 30, 1948, respectively.

2. *Division of Insurance, Custodian of Securities.* The sums paid for expenses relating to the deposits of securities under KRS 297.350.

3. *Banking and Small Loans.* All revenue received by the Department in excess of the General Fund Appropriation

shall be credited to the Revolving Fund for ordinary recurring expenses of the Division of Banking as may be provided by law.

DEPARTMENT OF MINES AND MINERALS

Division of Geology.

Division of Coal Mining.

All revenue received by the Division of Geology is hereby appropriated for ordinary recurring expenses of the Division and all revenue received by the Division of Coal Mining, including fees for inspection of mines and examination of mine foremen is hereby appropriated for ordinary recurring expenses of the Division.

PUBLIC SERVICE COMMISSION

Out of the fees collected by the Public Service Commission as provided by KRS 278.130 to 278.150, a sum of not more than $130,000.00 for each of the fiscal years ending June 30, 1947, and June 30, 1948.

KENTUCKY REAL ESTATE BOARD

DEPARTMENT OF INDUSTRIAL RELATIONS

1. Workmen's Compensation Board, subject to the provisions of KRS 342.485.
2. Division of Unemployment Compensation.
3. Kentucky State Employment Service.

KENTUCKY AERONAUTICS COMMISSION

JEFFERSON COUNTY MASTER COMMISSIONER

MISCELLANEOUS

The Department of Finance is authorized to establish special suspense and clearing accounts pending final distribution of funds.

PART THREE

DEPARTMENT OF HIGHWAYS

State Road Fund. There shall be established for the purpose of paying cost of operation and maintenance of the State

Highway Department and for carrying on its activities for the fiscal year beginning April 1, 1946, and ending March 31, 1947, and for the fiscal year beginning April 1, 1947, and ending March 31, 1948, a State Road Fund; and there is hereby appropriated to the State Road Fund all the funds now realized out of the State revenues, authorized now by law or that may hereafter be authorized by law, or any additional or other revenues that may be imposed by law for the benefit of public roads and all funds realized from taxes now collected by law or that may hereafter be imposed or collected by law for the benefit of said department and its activities, including all revenues required, by Section 230 of the Constitution, to be used for highway purposes. Such receipts and revenues shall constitute the State Road Fund.

There is hereby appropriated to the State Highway Department all monies received and placed to the credit of the State Road Fund during the fiscal years ending March 31, 1947, and March 31, 1948, not otherwise appropriated in this Act, for use and benefit of the State Road System in construction, maintenance, and repair of roads, and for all the activities and duties of said Department, as prescribed by law.

(1) *Federal-aid highway projects.* (a) There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, the sum of not less than $3,154,000.00 for projects on the Federal-aid highway system other than in urban areas, in cooperation with the Federal Public Roads Administration.

(b) There is hereby appropriated out of the State Road Fund for each of the following fiscal years ending March 31, 1947, and March 31, 1948, the sum of not less than $975,000.00, for projects on the Federal-aid highway system in urban areas, in cooperation with the Federal Public Roads Administration.

(c) There is further appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, the sum of not less than $2,625,000.00, to be used for secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public school bus

routes, either outside of municipalities or inside of municipalities of less than five thousand population, in cooperation with the Federal Commissioner of Public Roads and in cooperation with the county fiscal courts, as provided in Public Law No. 521 of the 78th Congress of the United States.

(2) *Division of Administration.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, for ordinary recurring administrative expenses of operation of the Division of Administration, including the cost of printing Treasury checks for the department, the sum of $600,000.00.

(3) *Division of Rural Highways.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, the sum of $5,000,000.00 to be used by the Division of Rural Highways, for the construction and maintenance of county roads and bridges which have not been accepted by the State Highway Commission for maintenance, said appropriation to be allocated among the several counties as may be provided by law, and to be expended upon such roads under such regulations as may be prescribed by law. (Of this amount not more than 6 percent may be used for Administrative purposes for Rural Highway Division in the Highway Department.) When the funds hereby appropriated have been allocated to the respective counties, any unexpended balance remaining to the credit of any county from appropriations of previous years shall be carried forward and added to the allocation of the current year for each county.

(4) *Division of Highway Patrol.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, for the ordinary recurring expenses of operation of the Highway Patrol, as provided by law, the sum of $500,000.00.

(5) *Revolving Fund.*

(a) *Administration of Gasoline Tax, Motor Vehicle Registration Tax, Tax on Other Motor Fuels, and Motor Vehicle Usage Tax.* There is hereby appropriated out of the State Road Fund to the Department of Revenue for each of the Fiscal years ending June 30, 1947, and June 30, 1948, for

ordinary recurring expenses of operating, administering, and enforcing the laws pertaining to the Gasoline Tax, the laws pertaining to the Motor Vehicle Registration Tax, and the laws pertaining to Other Motor Fuels, and the laws relating to the Motor Vehicle Usage Tax, the sum of $195,300.00.

(b) *Motor Transportation.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending June 30, 1947, and June 30, 1948, for the use of the Department of Business Regulation, Division of Motor Transportation, for ordinary recurring expenses of operation, the sum of $75,000.00.

PART FOUR

1.

All receipts, fees and/or revenue, regardless of whether heretofore specified in this Act, of every department, board, commission, institution, agency, division, or subdivision of the State Government shall be covered into the State Treasury promptly, as provided by statute, through the Department of Finance and placed to the credit of the General Expenditure Fund, except those revenues which are specifically allocated to the State Road Fund or the Revolving Fund which shall be credited to their respective funds as provided for in this Act. The fees, receipts, and/or revenue of every officer, department, division, subdivision, commission, board, institution, or agency of the State Government shall be covered into the State Treasury promptly, as provided by statute, and placed to the credit of the General Expenditure Fund and shall be used to defray the expenses of the State Government and the appropriations made from the General Expenditure Fund in this Act, unless otherwise specifically appropriated to one of the professional boards, commissions, institutions, agencies, or subdivisions of the State Government for Revolving Fund purposes; such agencies shall be only those that are listed in this Act as having been approved for Revolving Fund Accounts.

2.

The appropriations herein made for the ordinary recurring expenses and extraordinary expense and capital outlay

for any officer, department, board, commission, institution, and subdivision of the State Government of the Commonwealth of Kentucky shall not be available for expenditure until allocated as now provided by law, and such appropriations as specifically made in this Act are hereby declared to be maximum and conditional appropriations except when the Governor determines an emergency exists in any department, board, commission, institution, or subdivision of the State Government requiring an additional allotment of funds to be made from the General Emergency Fund hereby placed at his disposal and made a specific appropriation to be used by him to meet existing emergencies so determined by him. This appropriation is designated under section 4, "EXECUTIVE DEPARTMENT", Item (d), Part One of this Act.

As the needs of each officer, department, board, commission, institution, or subdivision of the State Government and the total revenues to be received into the General Fund cannot be fully determined at this time, it is the intention and the purpose of this Legislature that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, be and he is hereby authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution, or subdivision of the State Government and to ascertain the total revenues anticipated to be received into the General Expenditure Fund of the Commonwealth, including the unencumbered cash balance which may be on hand, and upon the ascertainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by the general laws, is hereby authorized, empowered and directed by the Legislature to prevent expenditures in excess of the amounts made available by this Act for the purpose of meeting appropriations by equitably reducing, in proportion to the amounts of the respective appropriations, and without discrimination, the appropriations herein made to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power hereby vested shall not permit any reduction of the appropriation of any officer, department, board, com-

mission, institution, or subdivision of the State Government that will actually impair the necessary constitutional functions of government.

Any unexpended or unencumbered balance appropriated and designated for capital outlay remaining at the end of the fiscal year of 1946-1947 shall not lapse to the General Expenditure Fund, but may be encumbered and expended in the fiscal year of 1947-1948. "In the event receipts from current revenues (exclusive of fees paid in by county officers which are to be repaid to the respective officers or to the county) for the fiscal year 1946-1947 exceeds the sum of Thirty-nine Million Dollars ($39,000,000.00), such excess, but not to exceed Two Million Two Hundred Twenty-five Thousand Dollars ($2,225,000.00), is hereby appropriated to the following agencies on the following basis, for ordinary recurring expenses of operation during the fiscal year 1947-1948:

(1) To the Division of Public Assistance, for payments of Old Age Assistance, Aid to the Needy Blind, and Aid to Dependent Children, twenty per cent (20%) of such sum.

(2) For the Common School Per Capita Fund (subject to the same limitations as in paragraph (e) of Item 18 of Part One of this Act), forty and one-half (40½%) per cent of such sum.

(3) For the Equalization Fund for common schools, four and one-half (4½%) per cent of such sum.

(4) For the Division of Hospitals and Mental Hygiene in the Department of Welfare, 10% of such sum.

(5) To the Agricultural Experiment Station of the University of Kentucky, for agricultural extension work, twelve and one-half (12½%) per cent of such sum.

(6) To the Division of Forestry in the Department of Conservation, seven and one-half (7½%) per cent of such sum.

(7) To the Division of Soil and Water Resources in the Department of Conservation, five (5%) per cent of such sum.

The appropriations above made are to be in addition to other appropriations made for such purposes, by this Act, for the fiscal year 1947-1948.

3.

To carry out the purpose of this act for the ensuing biennium, the Commissioner of Finance is hereby empowered and granted the authority to make allotments and/or reallotments from appropriations made to the various officers, departments, boards, commissions, institutions, and subdivisions of the State Government, so as to prevent an overdraft, or a deficit in any fiscal year for which appropriations are herein made, and to prevent the maximum appropriation made to any officer, department, board, commission, institution, or subdivision of the State Government from being exceeded.

4.

Nothing in this Act shall be construed to repeal any appropriation for the general fiscal year ending June 30, 1946, or for the fiscal year of the State Road Fund ending March 31, 1946, and nothing in this Act is to be construed to amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance.

All continuing appropriations in existence at the time this Act takes effect are hereby discontinued and repealed, except that the sum appropriated for capital outlays by paragraph (k) of Item 26 of Part One of Chapter 1 of the Acts of the Second Extraordinary Session of 1944 shall continue to be held and used as provided in said Act for the period and for the purposes provided in said Act.

Mr. Howell moved that the House do now recess for fifteen minutes.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Howell moved that the House do now reconsider the vote by which the House refused to concur in an amendment

by way of Substitute as proposed and adopted by the Senate, on March 5, 1946.

Said motion was agreed to.

Mr. Brown moved that the House do now concur in the amendment by way of substitute as proposed and adopted by the Senate, and reported to this House on today.

Mr. Doran offered the following amendment to the substitute as proposed and adopted by the Senate, viz.:

Amend the Senate amendment by way of Substitute for H. B. 124 on page 41, section 2 of Part FOUR, line 41 by adding, following line 41, the following:

"If, at the end of the fiscal year 1946-1947, the unencumbered sum standing to the credit of the General Expenditure Fund in the State Treasury (exclusive of fees paid in by county officers which are to be re-paid to the officer or to the county), exceeds by more than $2,000,000 the amount appropriated by this Act for capital outlay for the fiscal year 1947-1948, such excess sum, up to the amount of $3,000,000 is hereby appropriated to the following agencies on the following basis for ordinary recurring expenses of operation during the fiscal year 1947-1948:

(1) To the Division of Public Assistance, for payments of Old Age Assistance, Aid to the Needy Blind, and Aid to Dependent Children, twenty percent of such sum.

(2) For the Common School Per Capita Fund (subject to the same limitations as in paragraph (e) of Item 18 of Part One of this Act) forty and one-half percent of such sum.

(3) For the Equalization Fund for common schools, four and one-half percent of such fund.

(4) For the Division of Hospitals and Mental Hygiene in the Department of Welfare, ten percent of such sum.

(5) To the Agricultural Experiment Station of the University of Kentucky, for agricultural extension work, twelve and one-half percent of such sum.

(6) To the Division of Forestry in the Department of Conservation, seven and one-half of such sum.

(7) To the Division of Soil and Water Resources in the Department of Conservation, five percent of such sum.

The appropriations above made are to be in addition to other appropriations made for such purposes, by this Act, for the fiscal year 1947-1948.

Said amendment was agreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	Ira W. Hulette	J. W. Simmons
Harold L. Barnes	Paul Jonas	Luther Slusher
F. H. Bassett, Jr.	Homer E. Losey	Forrest Smith
B. J. Bonn	A. L. Love	W. R. Smith
J. C. Bradley	H. K. Lowman	Paul J. Stapleton
Chas. W. Burnley	F. G. Marquette	Geo. W. Steinford
Adron Doran	E. H. Martin	Ralph G. Stone
Tom Gilliam	Fred Morgan	E. L. Thompson
M. B. Gilligan	E. C. Mullins	Walter L. Trivette
Otto W. Goff	Joe E. Nunn	Harry F. Walters
R. M. Hall	Louis T. Peniston	W. W. Webster
E. R. Hilton	L. W. Preston	Geo. J. Weining
Clyde S. Howard	E. F. Prichard	Morris Weintraub
Jerry F. Howell	Kelse H. Risner	Mr. Speaker

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Those who voted in the negative were—

Roy W. Arnold	Bernie S. Edlin	E. J. Lucas
Ott Begley	Eck Embry	Ed Marcum
W. G. Biggers	R. R. Ernst	W. E. McClure
B. K. Brantley	A. H. Eversole	Jack McPherron
John Y. Brown	Harold G. Helm	J. Lee Moore
Fred Creasey	Maurice Howard	Joe T. Morgan
L. A. Demumbrun	J. J. Huff	Rodes K. Myers
E. R. Denny	L. H. Jones	J. C. Newcomb
G. I. Drury	B. F. Kincaid	Thos. A. Noe
Forest C. Easley	Edgar Kitchen	Sylvester Phillips

Hobart Rayburn	E. N. Todd	Lawrence Wells
Amos Runyan	S. J. Wagner	Rodney Whitlow
E. A. Spencer	Lyle H. Webb	John Wilborn
Ray G. Tipton		—40

Mr. Howell moved that the vote by which said amendment to the Senate substitute, was adopted be reconsidered and said motion lie on the table.

Said last named motion was agreed to.

Mr. Love offered the following amendment to said amendment by way of substitute as proposed and adopted by the Senate, viz.:

Amend Senate substitute for H. B. 124 on page 23, section 19 after line 31 by adding:

"University of Kentucky, Engineering Experiment Station. For ordinary recurring expenses of operation,

1946-1947	$	50,000
1947-1948	$	50,000

Said amendment was agreed to.

Mr. Weintraub offered the following amendment to said amendment by way of substitute as proposed and adopted by the Senate, viz.:

Amend Senate Substitute for H. B. 124 on page 14 lines 35 and 36 by removing the figure "$10,000" in each of said lines and substituting in lieu thereof in each of said lines the figure "$50,000."

Said amendment was agreed to.

Mr. Howell moved that the amendment by way of substitute as proposed and adopted by the Senate, be now concurred in, as amended by the House.

Said motion was agreed to.

Thereupon said amendment by way of Substitute to H. B. 124 as proposed and adopted by the Senate, was concurred in, as amended by the House.

Ordered that the Chief Clerk report the action of this House to the Senate.

Mr. Runyon of the Committee on Enrollment to which same had been referred reported that they had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz.:

H. B. 301. An Act relating to the State Fair Board.

H. B. 206. An Act relating to charges to grand juries.

H. B. 192. An Act relating to issuance of revenue bonds for industrial buildings by cities.

H. Res. 85. Resolution for the benefit of officers and employees of the Senate and House.

H. Res. 77. Resolution appropriating an additional sum of money for a contingent fund for Clerk of House.

H. Res. 62. Resolution authorizing Mrs. Mary K. Gumm to sue the Commonwealth.

H. Res. 34. Resolution authorizing Myrtle Cooper to sue the Commonwealth.

H. B. 313. An Act relating to cities other than first class.

H. B. 428. An Act relating to mayor protem and vacancies in the office of mayor and city commissioner.

S. B. 44. An Act relating to law clerks in the Court of Appeals.

S. B. 186. An Act authorizing certain persons to condemn land and right of ways for purpose of securing a water supply, etc.

S. B. 135. An Act creating an independent school district in any county where a County Children's Home has been established.

S. B. 133. An Act relating to cities of the first class.

S. B. 78. An Act to authorize building and loan associations to make loans, etc.

S. Res. 10. Resolution authorizing Les Ward to sue the Commonwealth.

S. Res. 14. Resolution authorizing Jerry Hall to sue the Commonwealth.

S. Res. 16. Resolution authorizing J. H. Webb to sue the Commonwealth.

S. Res. 17. Resolution authorizing Wendell Webb to sue the Commonwealth.

S. Res. 21. Resolution authorizing Bud Burkhart to sue the Commonwealth.

S. Res. 22. Resolution authorizing Renfro Supply Company to sue the Commonwealth.

S. Res. 23. Resolution authorizing Clifford Alexander to sue the Commonwealth.

S. Res. 24. Resolution authorizing J. T. Eads to sue the Commonwealth.

S. Res. 25. Resolution authorizing Mrs. Laura Whittaker and Charles Duff to sue the Commonwealth.

S. Res. 28. Resolution authorizing H. R. Dysard to sue the Commonwealth.

S. Res. 32. Resolution authorizing Oscar Forster to sue the Commonwealth.

S. Res. 34. Resolution authorizing Gayle Everman to sue the Commonwealth.

S. B. 134. An Act relating to Free Public Libraries in cities of the first class.

H. Res. 38. Resolution authorizing John Cleveland to sue the Commonwealth.

H. Res. 51 Resolution authorizing J. K. Thompson, Mrs. J. K. Thompson and Zella Thompson to sue the Commonwealth.

H. Res. 74. Resolution authorizing A. B. Boyd to sue the Commonweatlh.

Thereupon all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills and resolutions which originated in the Senate, be delivered to the Enrolling Clerk of the Senate.

Ordered that the Enrolling Clerk of this House deliver said bills and resolutions which originated in this House, to the Senate.

After a time, the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills and resolutions, duly signed by the President of the Senate.

Ordered that the Chief Clerk deliver said bills and resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Howell moved that the House do now adjourn to meet again on Monday, March 11, at eight o'clock p. m.

Said motion was agreed to.

And then the House adjourned.

MONDAY, MARCH 11, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend W. B. Campbell of the Methodist Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson	Chas. W. Burnley	M. B. Gilligan
Roy W. Arnold	W. K. Coleman	Otto W. Goff
Henry Arrowood	Fred Creasey	R. M. Hall
F. O. Baker	S. J. Daugherty	C. L. Hammonds
Harold L. Barnes	L. A. Demumbrun	Harold G. Helm
F. H. Bassett, Jr.	E. R. Denny	E. R. Hilton
Ott Begley	Adron Doran	Clyde S. Howard
W. G. Biggers	G. I. Drury	Maurice Howard
Jack Bingham	Forest C. Easley	Jerry F. Howell
B. J. Bonn	Bernie S. Edlin	J. J. Huff
J. C. Bradley	Eck Embry	Ira W. Hulette
B. K. Brantley	R. R. Ernst	Kerby Jennings
John Y. Brown	Henry J. Giles	Paul Jonas
Mrs. Mary Burnett	Tom Gilliam	L. H. Jones

B. F. Kincaid
G. O. Kirkpatrick
Edgar Kitchen
Homer E. Losey
A. L. Love
H. K. Lowman
E. J. Lucas
Ed Marcum
F. G. Marquette
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. L. Moore
J. Lee Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Thos. A. Noe
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
Paul J. Stapleton
Geo. W. Steinford
Ralph G. Stone
C. W. Taylor
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
S. J. Wagner
Harry F. Walters
Lyle H. Webb
W. W. Webster
Lawrence Wells
Rodney Whitlow
John Wilborn
Mr. Speaker

Mr. Howell moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Runyon moved that the privilege of the floor be extended to Mrs. Walter L. Trivette.

Said motion was agreed to.

Mr. Arnold moved that the privilege of the floor be extended to Mr. H. A. Richardson.

Said motion was agreed to.

Mr. Love moved that the privilege of the floor be extended to Mrs. Ray A. Smith.

Said motion was agreed to.

Mr. Brown moved that the privilege of the floor be extended to Mr. Robert Bradley, of Lexington, Kentucky.

Said motion was agreed to.

At the instance of the Committee on Rules, the following bills were introduced, viz.:

By Mr. Howell.

H. B. 517. An Act appropriating money out of the General Expenditure Fund to supply a deficiency in the appropriation for legislative sessions for year 1945-46.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the General Expenditure Fund in the State Treasury as of the effective date of this Act, the sum of $100,000, for expenses of legislative sessions for the fiscal year 1945-1946.

§ 2. Whereas, the funds heretofore appropriated for the 1946 General Assembly are exhausted, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Howell.

H. B. No. 518. An Act making provisions for the acquisition and installment in the House and Senate of electrical roll-call systems.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The President Pro Tem of the Senate shall appoint two members of the Senate, and the Speaker of the House of Representatives shall appoint two members of the House of Representatives who, together with the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives, as ex-officio members, shall constitute a committee with authority to contract for the acquisition and installation of electrical roll-call systems for either or both houses of the

General Assembly. The committee is authorized to visit the legislative chambers of other states in which electrical roll-call systems have been installed, and for this purpose the members shall be allowed their necessary travel expenses.

§ 2. The committee is authorized to advertise for bids for the installation of such electrical roll-call systems, to receive such bids and to award the contract to the lowest and best bidder. In determining which is the lowest and best bidder, the committee shall take into consideration the financial responsibility of the bidder, the facilities available in his plant for the manufacture of such equipment, the workmanship and quality of the system offered and the materials used in the construction thereof. The committee shall require the successful bidder to execute a bond for the faithful performance of the contract and a maintenance bond guaranteeing the satisfactory operation of the system for a period of four years following the date of installation. Each of such bonds shall be in a penal sum equal to the contract price of the system and shall be executed by a solvent surety company authorized to do business in Kentucky.

§ 3. The committee shall proceed promptly in the discharge of the duties imposed upon it by this Act in order that the system may be installed and available for use at the 1948 Regular Session of the General Assembly.

§ 4. For the purpose of carrying out this Act, there is hereby appropriated to the committee created by this Act, out of the General Expenditure Fund in the State Treasury, as of the effective date of this Act, the sum of $71,000.00. Of this sum $2,500.00 is to be available for necessary expenses of the committee, including traveling expenses and the expenses connected with the advertisement for bids; $40,000 shall be available for the acquisition and installation of a roll-call system for the House of Representatives, and $28,500 for the acquisition and installation of a roll-call system for the Senate. In the event it is not practicable to encumber or expend any of the sums hereby appropriated during the cur-

rent fiscal year it shall be available for expenditure during the fiscal years 1946-1947 and 1947-1948.

By Mr. Whitlow.

H. B. 519. An Act relating to instruction in cooperative marketing and consumers' cooperatives.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Every high school and vocational school shall prescribe adequate and essential instruction in co-operative marketing and consumers' co-operatives.

(2) The governing boards of the university, state teachers' colleges and county normal schools shall provide in their respective institutions adequate and essential instruction in co-operative marketing and consumers' co-operatives.

(3) The state superintendent of public instruction and the dean of the college of agriculture at the state university shall co-operate in the preparation of outlines to be used by teachers in the courses offered under sections (1) and (2) and they shall have power to request the assistance of any teacher or professor in any of the schools of the state in the preparation of such material. They may also make a recommended list of material now in pamphlets or books for guidance of teachers of these courses.

(4) In granting certificates for the teaching of courses in economics, the social studies and agriculture, adequate instruction in co-operative marketing and consumer's co-operatives shall be required.

Ordered that said bills be printed and referred

To the Committee on Rules.

Mr. Lowman offered the following resolution, viz.:

H. Res. 111. Resolution protesting the establishment of the Falmouth Dam Project.

Said resolution is as follows, viz.:

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate Concurring Therein:

That it is the sense of the members of the General Assembly of the Commonwealth of Kentucky that the proposed Falmouth Dam Project on Licking River will seriously impair and destroy substantial communities whose ways of living are immeasurably essential to the Commonwealth of Kentucky with no compensating gain in the way of flood control or power development.

That the members of the General Assembly of the Commonwealth of Kentucky are unalterably opposed to the Falmouth Dam Project.

That the Congress of the United States is urged and implored to take such action as may be necessary to cause the abandonment and withdrawal of such proposed project.

The Clerk of the House of Representatives is directed to send copies of this Resolution to each Representative in Congress from Kentucky, and to each United States Senator from Kentucky.

Mr. Daugherty moved that said resolution be adopted.

Mr. J. Lee Moore moved that said resolution be referred.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Lowman and Moore, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	G. O. Kirkpatrick	E. C. Mullins
F. O. Baker	E. J. Lucas	Thos. A. Noe
J. C. Bradley	F. G. Marquette	Sylvester Phillips
John Y. Brown	E. H. Martin	Forrest Smith
Fred Creasey	W. E. McClure	Paul J. Stapleton
E. R. Denny	J. Lee Moore	Geo. W. Steinford
Henry J. Giles	Fred Morgan	Lyle H. Webb
Tom Gilliam		—22

Those who voted in the negative were—

Harold L. Barnes	E. R. Hilton	Hobart Rayburn
F. H. Bassett, Jr.	Clyde S. Howard	Wade H. Riley
Ott Begley	Jerry F. Howell	Kelse H. Risner
W. G. Biggers	J. J. Huff	Amos Runyan
Jack Bingham	Ira W. Hulette	J. W. Simmons
B. J. Bonn	Kerby Jennings	Luther Slusher
B. K. Brantley	Paul Jonas	W. R. Smith
Mrs. Mary Burnett	B. F. Kincaid	C. W. Taylor
W. K. Coleman	Edgar Kitchen	E. L. Thompson
S. J. Daugherty	A. L. Love	Ray G. Tipton
G. I. Drury	H. K. Lowman	E. N. Todd
Forest C. Easley	Ed Marcum	Walter L. Trivette
Eck Embry	Jack McPherron	S. J. Wagner
R. R. Ernst	Harry L. Moore	W. W. Webster
A. H. Eversole	J. L. Moore	Lawrence Wells
M. B. Gilligan	Joe T. Morgan	Rodney Whitlow
R. M. Hall	E. F. Prichard	John Wilborn

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The motion as made by Mr. Daugherty was then agreed to, and

Said resolution was adopted.

The yeas and nays being required thereon by Messrs. Lowman and Moore, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Eck Embry	B. F. Kincaid
Harold L. Barnes	R. R. Ernst	G. O. Kirkpatrick
F. H. Bassett, Jr.	A. H. Eversole	Edgar Kitchen
Ott Begley	Tom Gilliam	H. K. Lowman
W. G. Biggers	M. B. Gilligan	Ed Marcum
B. J. Bonn	R. M. Hall	W. E. McClure
Mrs. Mary Burnett	C. L. Hammonds	Jack McPherron
W. K. Coleman	E. R. Hilton	Harry L. Moore
S. J. Daugherty	Maurice Howard	J. L. Moore
L. A. Demumbrun	Jerry F. Howell	Joe T. Morgan
G. I. Drury	J. J. Huff	L. W. Preston
Forest C. Easley	Ira W. Hulette	E. F. Prichard
Bernie S. Edlin	Kerby Jennings	Hobart Rayburn

Wade H. Riley	Ralph G. Stone	S. J. Wagner
Kelse H. Risner	C. W. Taylor	Lyle H. Webb
Amos Runyan	E. L. Thompson	W. W. Webster
J. W. Simmons	Ray G. Tipton	Rodney Whitlow
Luther Slusher	E. N. Todd	John Wilborn
W. R. Smith	Walter L. Trivette	—56

Those who voted in the negative were—

C. W. Anderson	Henry J. Giles	J. Lee Moore
F. O. Baker	Clyde S. Howard	E. C. Mullins
J. C. Bradley	Paul Jonas	Thos. A. Noe
B. K. Brantley	L. H. Jones	Forrest Smith
John Y. Brown	E. J. Lucas	Paul J. Stapleton
Chas. W. Burnley	F. G. Marquette	Geo. W. Steinford
Adron Doran	E. H. Martin	Lawrence Wells
		—21

Mr. Lowman moved that the vote by which said resolution was adopted, be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. J. Lee Moore moved that the Chief Clerk of this House be directed to mail a copy of the roll call on the adoption of said resolution together with the copies of the resolution, when sent to members of Congress from Kentucky, as directed by the Resolution.

Said motion was agreed to.

Mr. Howell of the Committee on Rules, moved that the vote by which the House concurred in an amendment by way of substitute, as proposed and adopted by the Senate, and as amended by the House, to a bill which originated in this House, entitled:

H. B. 124. An Act appropriating money for the operation, maintenance and operation of the State Government, etc.

Be reconsidered.

(For bill and Senate Substitute, see Journal of March 8)

Said motion was agreed to.

Thereafter such reconsideration, Mr. Howell moved that the vote by which amendments Nos. 1, 2 and 3 to said Senate Substitute, were agreed to,

Be reconsidered.

Without objection, said motion was agreed to.

Thereafter such reconsideration, Mr. Howell moved that the House do now concur in the amendment by way of substitute, as proposed and adopted by the Senate, to said bill.

Said motion was agreed to.

Thereupon said amendment by way of substitute as proposed and adopted by the Senate, to said bill, was concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Mrs. Mary Burnett	A. H. Eversole
Roy W. Arnold	W. K. Coleman	Tom Gilliam
Henry Arrowood	Fred Creasey	M. B. Gilligan
F. O. Baker	S. J. Daugherty	R. M. Hall
F. H. Bassett, Jr.	L. A. Demumbrun	C. L. Hammonds
Ott Begley	E. R. Denny	Harold G. Helm
W. G. Biggers	Adron Doran	E. R. Hilton
Jack Bingham	G. I. Drury	Clyde S. Howard
B. J. Bonn	Forest C. Easley	Maurice Howard
J. C. Bradley	Bernie S. Edlin	Jerry F. Howell
B. K. Brantley	Eck Embry	J. J. Huff
John Y. Brown	R. R. Ernst	Ira W. Hulette

Kerby Jennings	J. Lee Moore	Forrest Smith
Paul Jonas	Fred Morgan	W. R. Smith
L. H. Jones	Joe T. Morgan	Ralph G. Stone
B. F. Kincaid	E. C. Mullins	C. W. Taylor
G. O. Kirkpatrick	Rodes K. Myers	E. L. Thompson
Edgar Kitchen	Thos. A. Noe	Ray G. Tipton
Homer E. Losey	Joe E. Nunn	E. N. Todd
A. L. Love	Louis T. Peniston	Walter L. Trivette
H. K. Lowman	Sylvester Phillips	S. J. Wagner
E. J. Lucas	L. W. Preston	Harry F. Walters
Ed Marcum	E. F. Prichard	Lyle H. Webb
F. G. Marquette	Hobart Rayburn	W. W. Webster
E. H. Martin	Wade H. Riley	Lawrence Wells
W. E. McClure	Kelse H. Risner	Rodney Whitlow
Jack McPherron	Amos Runyan	John Wilborn
Harry L. Moore	J. W. Simmons	Mr. Speaker
J. L. Moore		—85

Those who voted in the negative were—

Harold L. Barnes	Paul J. Stapleton	Geo. W. Steinford

—3

Mr. Doran moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the following resolution was introduced, viz.:

By Mrs. Burnett.

H. Res. 112. Resolution authorizing John F. Snow to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That John F. Snow is authorized to sue the Commonwealth of Kentucky in Fayette Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $350.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be printed and referred

To the Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills and resolutions of the following titles, viz.:

H. B. 512. An Act relating to printing.

H. B. 513. An Act relating to employes of cities of the fourth class.

H. B. 514. An Act to provide homes for Kentucky Veterans of World War II.

H. B. 515. An Act authorizing the State Board of Education to accept a conveyance of the properties of the Lincoln Institute in Shelby County.

H. B. 516. An Act relating to public printing.

S. Res. 48. Resolution appropriating money to pay Kelly Smither.

S. Res. 58. Resolution authorizing Stanford Ray and J. C. Ray to sue the Commonwealth.

S. Res. 59. Resolution authorizing George Henderson to sue the Commonwealth.

S. Res. 60. Resolution authorizing Brent Hinton to sue the Commonwealth.

S. Res. 61. Resolution authorizing Raymond Clayton to sue the Commonwealth.

S. Res. 62. Resolution authorizing C. S. Rice and E. G. Rice to sue the Commonwealth.

S. B. 68. An Act making provision for the representation and protection of the rights of children in divorce proceedings.

S. B. 88. An Act relating to rural highway funds.

S. B. 102. An Act relating to inquests concerning the mental condition of persons, etc.

S. B. 163. An Act relating to the licensing of motor vehicles operators.

S. B. 177. An Act relating to the excavation recovery and preservation of fossils and other relics.

S. B. 192. An Act repealing and reenacting Sec. 411 of the Civil Code of Practice.

S. B. 199. An Act to amend Sec. 246 of the Constitution.

S. B. 213. An Act relating to the disposition of real property belonging to an infant or person of unsound mind.

S. B. 215. An Act relating to appropriation for capital outlay.

S. B. 246. An Act relating to the duties of the Division of Highway Patrol.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 485. An Act relating to aviation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 183.160 KRS is amended to read as follows:

(1) Members of the board shall serve without compensation but shall be allowed any reasonable expenses incurred by them in the conduct of the affairs of the board. The commission shall, upon the appointment of its members, organize and elect officers. It shall elect a chairman from its members to serve for one year, and it shall annually elect thereafter a chairman.

(2) The board shall employ necessary agents, attorneys and employees to carry out its work and functions, and to prescribe such rules and regulations as it deems necessary.

Section 2. Section 183.180 KRS is amended to read as follows:

(1) The board may, by a resolution reciting that property within the city or county is needed for purposes contemplated by KRS 183.150, direct the condemnation of such property.

(2) Condemnation proceedings shall be conducted in the name of the board by the city or county attorney who shall be the local representative of the board, or by special counsel employed for such proceedings.

(3) The procedure for the condemnation shall conform to the procedure set out in KRS 416.120.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Denny	G. O. Kirkpatrick
Roy W. Arnold	Adron Doran	H. K. Lowman
F. O. Baker	G. I. Drury	Ed Marcum
Harold L. Barnes	Forest C. Easley	F. G. Marquette
F. H. Bassett, Jr.	R. R. Ernst	E. H. Martin
Ott Begley	Henry J. Giles	W. E. McClure
W. G. Biggers	Tom Gilliam	Jack McPherron
Jack Bingham	M. B. Gilligan	Harry L. Moore
B. J. Bonn	Otto W. Goff	J. L. Moore
J. C. Bradley	R. M. Hall	J. Lee Moore
John Y. Brown	Harold G. Helm	E. C. Mullins
Mrs. Mary Burnett	E. R. Hilton	Rodes K. Myers
Chas. W. Burnley	Clyde S. Howard	Louis T. Peniston
W. K. Coleman	Jerry F. Howell	Sylvester Phillips
Fred Creasey	J. J. Huff	E. F. Prichard
S. J. Daugherty	Ira W. Hulette	Kelse H. Risner
L. A. Demumbrun	B. F. Kincaid	Amos Runyan

J. W. Simmons	Ralph G. Stone	Walter L. Trivette
Luther Slusher	C. W. Taylor	Harry F. Walters
Forrest Smith	E. L. Thompson	Lawrence Wells
W. R. Smith	Ray G. Tipton	Rodney Whitlow
Geo. W. Steinford	E. N. Todd	John Wilborn

—66

Those who voted in the negative were—

Eck Embry	A. H. Eversole	A. L. Love

—3

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 269. An Act relating to the operation of vehicles upon city streets.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 92.320 of the Kentucky Revised Statutes is amended to read as follows:

Any person having a license to operate a vehicle in the city in which he resides or has his principal place of business may also, for the purpose of doing business incidental to his principal business, operate the vehicle upon the streets of any other city without paying any additional license fee to such other city, but such license shall not authorize him to establish his principal place of business or conduct his principal business in any city except the one that granted his license.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Otto W. Goff	Sylvester Phillips
F. O. Baker	E. R. Hilton	L. W. Preston
F. H. Bassett, Jr.	Clyde S. Howard	E. F. Prichard
Ott Begley	Jerry F. Howell	Hobart Rayburn
W. G. Biggers	J. J. Huff	Wade H. Riley
Jack Bingham	Ira W. Hulette	Amos Runyan
B. J. Bonn	Kerby Jennings	Luther Slusher
John Y. Brown	Paul Jonas	Forrest Smith
Mrs. Mary Burnett	B. F. Kincaid	Paul J. Stapleton
Chas. W. Burnley	G. O. Kirkpatrick	Geo. W. Steinford
W. K. Coleman	Homer E. Losey	Ralph G. Stone
Fred Creasey	E. J. Lucas	C. W. Taylor
S. J. Daugherty	Ed Marcum	E. L. Thompson
Adron Doran	F. G. Marquette	Ray G. Tipton
G. I. Drury	Jack McPherron	E. N. Todd
Forest C. Easley	J. L. Moore	Walter L. Trivette
R. R. Ernst	J. Lee Moore	W. W. Webster
Henry J. Giles	E. C. Mullins	Rodney Whitlow
M. B. Gilligan	Rodes K. Myers	John Wilborn

—57

Those who voted in the negative were—

E. R. Denny	A. L. Love	W. R. Smith
Eck Embry	E. H. Martin	Harry F. Walters
A. H. Eversole	Louis T. Peniston	Lawrence Wells
L. H. Jones		

—10

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 432. An Act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.150 of the Kentucky Revised Statutes is amended to read as follows:

A brewer's license shall authorize the licensee to engage in the business of a brewer at the premises specifically designated in the license, and to transport for himself only any malt beverage which he is authorized by his license to manufacture or sell, but he shall transport such malt beverages in accordance with the requirements provided by KRS 243.150 for distillers. A brewer may sell any malt beverage produced under his license, at wholesale or retail, from the licensed premises only, and without any additional license, subject to the following restrictions:

(a) A brewer may not sell malt beverages to any licensed retailer unless the licensed premises of such retailer are within a radius of thirty miles of the licensed premises of the brewer.

(b) A brewer may not transport malt beverages sold at retail to any place other than the residence of a consumer in the county in which the licensed premises of the brewer are located, which consumer has purchased the same for home consumption and not for resale.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	W. G. Biggers	John Y. Brown
F. O. Baker	Jack Bingham	Mrs. Mary Burnett
F. H. Bassett, Jr.	B. J. Bonn	Chas. W. Burnley

W. K. Coleman	Ed Marcum	J. W. Simmons
Fred Creasey	E. H. Martin	Luther Slusher
S. J. Daugherty	W. E. McClure	Forrest Smith
Adron Doran	Jack McPherron	W. R. Smith
G. I. Drury	Harry L. Moore	Paul J. Stapleton
M. B. Gilligan	J. L. Moore	Geo. W. Steinford
Otto W. Goff	J. Lee Moore	Ralph G. Stone
R. M. Hall	E. C. Mullins	C. W. Taylor
E. R. Hilton	Rodes K. Myers	Ray G. Tipton
Ira W. Hulette	Louis T. Peniston	E. N. Todd
Kerby Jennings	L. W. Preston	Walter L. Trivette
Paul Jonas	E. F. Prichard	Harry F. Walters
B. F. Kincaid	Hobart Rayburn	Lawrence Wells
G. O. Kirkpatrick	Wade H. Riley	Rodney Whitlow
A. L. Love	Amos Runyan	John Wilborn
H. K. Lowman		—55

Those who voted in the negative were—

Ott Begley	J. J. Huff	S. J. Wagner
Eck Embry	Sylvester Phillips	Lyle H. Webb
A. H. Eversole		—7

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 33. An Act relating to pirmary and general elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 122.010 of the Kentucky Revised Statutes is amended to read as follows:

In any contest over the nomination or election of any state, county, city or district officer, it may be alleged in the pleadings of the contestant that the provisions of KRS 123.010 or KRS 123.030 to 123.110 have been violated by the contestee or by others in his behalf with his knowledge, and it may likewise be alleged in the pleadings of the contestee that such provisions have been violated by the contestant or by others in his behalf with his knowledge. If it appears upon the trial of the contest that such provisions have been violated by the contestant or by others in his behalf with his knowledge, the contest action shall be dismissed and the contestant shall have no further right to maintain the same. If no such violation by the contestant, or by others in his behalf with his knowledge, appears, and it appears that such provisions have been violated by the contestee or by others in his behalf with his knowledge, the nomination or election of the contestee shall be declared void. In the case of primary elections, if any candidate who is a party to the contest proceedings has not violated the provisions of KRS 123.010 or of KRS 123.030 to 123.110, and all candidates who received more votes than he did are also parties and are found to have violated those provisions, such candidates shall be declared nominated.

§ 2. Section 122.020 of the Kentucky Revised Statutes is amended to read as follows:

Any candidate for nomination to office at a primary election held under the provisions of KRS 119.010 to 119.990, for whom a number of votes was cast equal to not less than 50% of the votes cast for the successful candidate for nomination to such office, may contest the right of the successful candidate, and of any other candidate for nomination to such office, to such nomination, by filing a petition in the circuit court within fifteen days from the day of the primary election, stating the specific grounds relied upon for the contest, and causing a summons to be issued, returnable in ten days. In the case of candidates for offices for the state at large, the petition shall be filed in the Franklin circuit court; in the case of other candidates it shall be filed in the circuit court of the county in which the contestee resides. The summons may be

personally served on the contestee in any county, or it may be served by leaving a copy at his home with a member of his family over sixteen years of age, or by posting a copy on the door of his residence. The contestee shall file his answer within ten days after service of summons. The answer may contain grounds of contest in favor of the contestee and against the contestant, but the grounds must be specifically set out. Any candidate who would have been qualified to bring a contest action under this section, who is a party to a recount proceeding brought under KRS 122.060, may, by filing an answer in the recount proceeding within the time allowed by this section for filing grounds of contest, set forth grounds of contest against the petitioner in the recount proceeding. No ground of contest by either party shall be filed or made more definite by amendment after the expiration of the time allowed by this section for filing the original pleading. The contestant may file a reply within five days after answer is filed, which shall complete the pleading, and any affirmative matter in the reply shall be treated as controverted. Upon return of the summons, properly executed, to the office of the circuit clerk of the county in which the action is pending, the clerk shall immediately docket the cause and notify the presiding judge of the court that the contest has been instituted, and the judge shall proceed to a trial of the cause within five days after the issue was joined. In circuit court districts having more than one circuit judge the judge who shall hear the cause shall be determined by lot.

§ 3. Subsection (1) of Section 122.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any candidate who was voted for at a primary election held under KRS 119.010 to 119.990 may request a recount of the ballots by filing a petition so requesting, with the same court that contest petitions are required to be filed with, within fifteen days after the day of the primary election, or, if such candidate is qualified to bring a contest proceeding under KRS 122.020, by including a request for a recount in his petition instituting the contest proceedings, and any candidate who is a contestee in a contest proceeding under KRS 122.020 may request a recount in his answer

filed in the contest proceeding, but in such case the answer must be filed within five days after the service of process on the petition. When a request for a recount is made, the election commissioners whose duty it is to issue certificates shall be made parties defendant. The party requesting the recount must execute bond with approved surety for the costs of the recount, in an amount to be fixed by the circuit judge. Upon the bond being filed, the clerk shall immediately notify the circuit judge of the request and the filing of the bond, and the judge shall at once enter an order directing the ballots, boxes and all papers pertaining to the election to be transferred to the circuit court, and fix a day for the recount proceedings to begin. A copy of the order shall be served upon the parties or their counsel in the same manner as notices are required to be served, which shall be deemed sufficient notice of the proceeding. On the day fixed, the court or judge in vacation shall proceed to recount the ballots if their integrity is satisfactorily shown and shall complete the recount as soon as practicable, and file and enter of record the results thereof, and direct the election commissioners whose duty it is to issue the certificates to issue the same to the party entitled thereto as shown by the recount.

§ 4. Section 122.070 of the Kentucky Revised Statutes is amended to read as follows:

Any candidate for election to any State, county, district or city office (except the office of Governor, Lieutenant Governor, member of the General Assembly, and those city offices as to which there are other provisions made by law for determining contested elections), for whom a number of votes was cast equal to not less than 25% of the number of votes cast for the successful candidate for the office, may contest the election of the successful candidate, by filing a petition in the circuit court of the county where the contestee resides, unless the officer is one elective by the voters of the whole state, in which case the petition shall be filed in the Franklin circuit court. The petition shall be filed and process issued within thirty days after the day of election; it shall state the grounds of the contest relied on, and no other grounds shall afterwards be relied upon. The contestee

shall file an answer within twenty days after the service of summons upon him. The answer may consist of a denial of the averments of the petition and may also set up grounds of contest against the contestant; if grounds are so set up they shall be specifically pointed out and none other shall thereafter be relied upon by the party. Any candidate who would have been qualified to bring a contest action under this section, who is a party to a recount proceeding under KRS 122.100, may, by filing answer in the recount proceeding within the time allowed by this section for filing grounds of contest, set forth grounds of contest against the petitioner in the recount proceeding. A reply may be filed within ten days after the answer is filed; its affirmative allegations shall be treated as controverted, and no subsequent pleading shall be allowed.

§ 5. Subsection (1) of Section 122.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any candidate who was voted for at a regular election for any of the offices to which KRS 122.070 applies may request a recount of the ballots by filing a petition so requesting, with the same court that petitions of contest are required to be filed with, within ten days after the day of the election, or, if such candidate is qualified to institute a contest proceeding under KRS 122.070, by including a request for a recount in his petition instituting the contest proceedings, but in the latter case the petition must be filed within ten days after the day of the election. Any such candidate who is a contestee in a contest proceeding under KRS 122.070 may request a recount in his answer filed in the contest proceeding, but only if the answer is filed within ten days after the day of election. If a request for a recount is made, the election commissioners whose duty it is to issue certificates of election shall be made parties defendant. The party requesting the recount must execute bond with approved surety for the costs of the recount, in an amount to be fixed by the circuit judge. Upon the bond being filed, the clerk shall immediately notify the circuit judge of the request and the filing of the bond, and the judge shall at once enter an order directing the ballots, boxes and all papers pertaining to the elec-

tion to be transferred to the circuit court, and fix a day for the recount proceedings to begin. A copy of the order shall be served upon the parties or their counsel in the same manner as notices are required to be served, which shall be deemed sufficient notice of the proceeding. On the day fixed, the court or judge in vacation shall proceed to recount the ballots if their integrity is satisfactorily shown and shall complete the recount as soon as practicable, and file and enter of record the results thereof, and direct the election commissioners whose duty it is to issue the certificates to issue the same to the party entitled thereto as shown by the recount.

§ 6. A new section of the Statutes is created, to read as follows:

It shall be unlawful for any candidate in any primary or general election to agree not to file a suit contesting the election, or to agree to dismiss or cease prosecuting such suit after it has been filed, in consideration of the payment or promise to pay to him, or to any other person, of any money, deputyship, clerkship, employment, or anything of value by such successful candidate or by any other person. Any person who violates this section shall be ineligible thereafter to hold, or become a candidate for nomination or election to, any public office in this state, or to have his name printed on any official ballot in a primary or general election. Any qualified voter may maintain an action to enjoin the printing of the name of a person upon the official ballots for any primary or general election, on the ground that such person has violated this section, and in such action the violation may be proved by parol evidence.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	C. L. Hammonds	Rodes K. Myers
F. O. Baker	Harold G. Helm	Louis T. Peniston
F. H. Bassett, Jr.	E. R. Hilton	Sylvester Phillips
Ott Begley	Clyde S. Howard	L. W. Preston
W. G. Biggers	Jerry F. Howell	E. F. Prichard
Jack Bingham	J. J. Huff	Kelse H. Risner
B. J. Bonn	Ira W. Hulette	J. W. Simmons
John Y. Brown	Kerby Jennings	Luther Slusher
Chas. W. Burnley	Paul Jonas	Forrest Smith
W. K. Coleman	L. H. Jones	W. R. Smith
Fred Creasey	B. F. Kincaid	Geo. W. Steinford
S. J. Daugherty	G. O. Kirkpatrick	Ralph G. Stone
L. A. Demumbrun	Homer E. Losey	C. W. Taylor
E. R. Denny	A. L. Love	E. L. Thompson
G. I. Drury	H. K. Lowman	Ray G. Tipton
Bernie S. Edlin	F. G. Marquette	E. N. Todd
Eck Embry	E. H. Martin	Walter L. Trivette
A. H. Eversole	W. E. McClure	S. J. Wagner
Henry J. Giles	Jack McPherron	Harry F. Walters
Tom Gilliam	J. L. Moore	W. W. Webster
Otto W. Goff	J. Lee Moore	Rodney Whitlow
R. M. Hall	E. C. Mullins	John Wilborn

—66

There voted in the negative—

Thos. A. Noe —1

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 309. An Act relating to Senatorial Districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Subsection (35) of Section 6.010 of the Kentucky Revised Statutes, 1944 Edition, is amended and reenacted to read as follows:

District Thirty-five. That that portion of the City of Louisville in the County of Jefferson, having a population of seventy-nine thousand, seven hundred and seventy, and whose boundary is as follows:

Beginning on the north shore of the Ohio River at low water where the present northeast boundary of the city if extended would intersect; thence southeastwardly with the present city boundary if extended, and the city boundary line; thence northeastwardly, southeastwardly, northeastwardly, southeastwardly, southwestwardly, southeastwardly, southwestwardly, northwestwardly, southwestwardly, southeastwardly, southwestwardly, southeastwardly, westwardly, southerly, southwestwardly, northwestwardly, southwestwardly, northwestwardly, southwestwardly, with the present city boundary line; to the intersection of Clark's Lane and Pindell Avenue; thence Southeast with the center line of Pindell Avenue to the center line of Howland Avenue; thence Southwest with the center line of Howland Avenue; to the City boundary line at the rear of the property on the East side of Delor Avenue; thence Southeast and Northeast with the City boundary line to the center line of Pindell; thence Southeast with the center line of Pindell to the Southern City boundary line; thence with the City boundary line Southwest to the City boundary line in the rear of the property on the West side of Parklawn drive; thence Northwest with the City boundary line to the center line of Clark's Lane; and the present City boundary line; thence Southwest with the present City boundary line to the center line of Shelby Street; thence Northwest and northwardly with the center line of Shelby Street to the center line of Chestnut Street; thence west with the center line of Chestnut Street to the center line of Clay Street, thence north and Northwest with the center line of Clay Street, if extended to the North shore of the Ohio River at low water; thence northeastwardly with the north shore

of the Ohio River at low water to a point where the northeast boundary of the city if extended would intersect; point of beginning, shall be Senatorial District Number Thirty-five.

Section 2. That Subsection (36) of Section 6.010 of the Kentucky Revised Statutes, 1944 Edition, is amended and reenacted to read as follows:

District Thirty-six. That the County of Jefferson, outside of the City of Louisville, having a population of sixty-six thousand, three hundred and fifteen, shall be Senatorial District Number Thirty-six.

Section 3. That Subsection (38) of Section 6.010 of the Kentucky Revised Statutes, 1944 Edition, is amended and reenacted to read as follows:

District Thirty-eight. That that portion of the City of Louisville, in the County of Jefferson having a population of seventy-nine thousand, seven hundred and seventy and whose boundary is as follows:

Beginning on the north shore of the Ohio River at low water where the center line of Clay Street if extended would intersect; thence Southeast and southwardly with the center line of Clay Street and Clay Street if extended to the center line of Chestnut Street; thence east with the center line of Chestnut Street to the center line of Shelby Street; thence south and southeast with the center line of Shelby Street to the present city boundary; thence southwest, southeast, northeast, southeast, southwest, southeast, southwest, northwest, and southwest with the present city boundary line; thence Southwestwardly with the city boundary line to the intersection of East property line of Third Street Road and the City boundary line as of 1922; thence South with the East property line of Third Street Road to the North property line of Alger Avenue; thence West with the North property line of Alger Avenue to the East property line of Third Street; thence North with the East line of Third Street; thence North with the East property line of Third Street to the City boundary line as of 1922, Southwestwardly; to the center line of Peachtree Street if extended; thence Northwest with the center line of Peachtree Street if extended and the city line of Peachtree Street to the center line of Bellevue Avenue; thence

northeast, north and northeast with the center line of Bellevue Avenue to the center line of Park Avenue; thence West with the center line of Park Avenue to the center line of Eighth Street; thence north with the center line of Eighth Street to the center line of Dresden Avenue; thence East with the center line of Dresden Avenue to the center line of Fifth Street; thence north with the center line of Fifth Street to the center line of Longfield Avenue; thence northeast with the center line of Longfield Avenue to the center line of Fourth Street; thence north with the center line of Fourth Street to the center line of Central Avenue; thence West with the center line of Central Avenue to the center line of Fifth Street; thence north with the center line of Fifth Street if extended and the center line of St. James Court if extended and the center line of Garvin Place to the center line of St. Catherine Street; thence east with the center line of St. Catherine Street to the center line of Fifth Street and Fifth Street if extended to the north shore of the Ohio River at low water; thence eastwardly with the north shore of the Ohio River at low water to the center line of Clay Street if extended, point of beginning, shall be Senatorial District Number Thirty-eight.

Section 4. That Subsection (37) of Section 6.010 of the Kentucky Revised Statutes, 1944 Edition, is amended and reenacted to read as follows:

District Thirty-seven. That that portion of the City of Louisville in the county of Jefferson having a population of seventy-nine thousand, seven hundred and sixty-seven and whose boundary is as follows:

Beginning on the north shore of the Ohio River at low water where the center line of Fifth Street if extended would intersect; thence south with the center line of Fifth Street if extended and the center line of Fifth Street to the center line of St. Catherine Street; thence west with the center line of St. Catherine to the center line of Garvin Place; thence South with the center line of Garvin Place if extended and the center line of St. James Court and the center line of Fifth Street if extended to the center line of Central Avenue; thence east with the center line of Central Avenue to the center line of

Fourth Street; thence southwardly with the center line of Fourth Street to the center line of Longfield Avenue; thence southwestwardly on the center line of Longfield Avenue to the center line of Fifth Street; thence south with the center line of Fifth Street to the center line of Dresden Avenue; thence West with the center line of Dresden Avenue to the center line of Eighth Street; thence south with the center line of Eighth Street to the center line of Park Avenue; thence east with the center line of Park Avenue to the center line of Bellevue Avenue; thence southwest and south with the center line of Bellevue to the center line of Peachtree Avenue; thence Southeast with the center line of Peachtree Avenue and the center line of Peachtree Avenue if extended to the present city boundary; line as of 1922; to the intersection of the West line of Lone Oak Trail and the City of Louisville boundary line as established in 1922; thence Southwardly with the West line of Lone Oak Trail, to a point 374.60 feet South of the South line of Inverness Avenue, and being the South line of Lots 1 and 71, County Tax Commissioner Map 61-G.; thence Southwestwardly with the South line of Lots 70 and 71, City Tax Commissioner Map 61-G., approximately 632 feet to the Northeast corner of the Lawnview Subdivision; thence Southeast with the northeast line of Lawnview Subdivision, 38.9 feet to the West line of Laughlin Avenue; thence South with the West line of Laughlin Avenue to the North line of Kenwood Avenue; thence West with the North line of Kenwood Avenue to the City of Louisville Boundary line; thence Southwardly; thence Westwardly; thence Southwestwardly; thence Westwardly; thence Northwestwardly; thence Northwardly; thence Eastwardly; thence Northwestwardly; thence Northwardly; thence Northeastwardly; thence Northwardly; thence Northeastwardly with the City Boundary line; to the intersection of McCoy Avenue and Lester Avenue; thence Northwest and Northeast with the City Boundary line to the City Boundary line along the Northeast line of Schneiter Avenue; thence Southeast with the City of Boundary line to the rear of the property on the North side of Weyler Avenue; thence Northeast with the City Boundary line at the rear of the

property on the North side of Weyler Avenue to the City Boundary line along the Northeast side of Dale Avenue; thence Southeast with the City boundary line along the Northeast side of Dale Avenue, to the City boundary line at Weyler Avenue; thence Southeast with the Old City Boundary line of 1922; thence Northeast, thence Northwest; thence Northeast; thence Northwest; thence Northeast; thence Northwest; thence Northeast; thence West with the City boundary line of 1922 to the City boundary of 1944, thence along this line to center line of 22nd St. old 21st St., thence Northwardly with the center line of Twenty-second Street, (Old Twenty-first Street) and the center line of Twenty-second Street (Old Twenty-first Street) if extended to the north shore of the Ohio River at low water; thence southeastwardly with the north shore of the Ohio River at low water to a point where the center line of Fifth Street if extended would intersect, point of beginning, shall be Senatorial District Thirty-seven.

Section 5. That Sub-section (33) of Section 6.010 of the Kentucky Revised Statutes, 1944 Edition, is amended and reenacted to read as follows:

District Thirty-three. That that portion of the City of Louisville in the County of Jefferson, having a population of seventy-nine thousand seven hundred and seventy, and whose boundary is as follows:

Beginning on the north shore of the Ohio River at low water where the center line of Twenty-second Street (Old Twenty-first Street), if extended, would intersect; thence Southwestwardly with the center line of said Twenty-second Street, if extended and the center line of Twenty-second Street (Old Twenty-first Street) from Dumesnil Street to the City Boundary line of 1922; thence along the center line of Twenty-second Street from City Boundary line of 1922 to the City Boundary Line of 1944, thence west along the City Boundary Line of 1944 to the City Boundary Line of 1922; thence West, North, Northwest, and West with the present City Boundary Line to the West shore of the Ohio River at low water mark, thence North, northeast, southeast with the west and north shore of the Ohio River at low water, to a point where the center line of 22nd Street (Old Twenty-first

Street) if extended would intersect, point of beginning, shall be Senatorial District Number Thirty-three.

Section 6. Whereas Jefferson County is installing Voting Machines in said County which will necessitate the consolidation of existing voting precincts therein in order to average 700 votes to the precinct; and,

Whereas, the purpose of this Act is to adjust and correct the description of boundary lines in the following Senatorial Districts, viz:—35th, 36th, 38th, 37th, and 33rd, and,

Whereas, the City of Louisville has at various times annexed certain areas to said corporate limits, and to render the consolidation of the voting precincts more feasible, convenient and just, and,

Whereas said consolidation of said voting precincts must be accomplished immediately in order to complete the installation of voting machines for use at the Primary Election in August of 1946.

Now, Therefore, an emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

Mr. Stone offered the following amendments to said bill, viz.:

1. Amend H. B. 309 on page 4, sec. 3 line 42 by striking therefrom the phrase "point of beginning" following the word "beginning"

2. Amend H. B. 309 on page 5, sec. 4, line 27 by striking therefrom the ";" between the words "boundary" and "line"

3. Amend H. B. 309 on page 6, sec. 4, line 47 by striking therefrom the word "of" between the words "city" and "boundary"

4. Amend H. B. 309 on pages 3 and 4 sec. 3 lines 27 through 35 by striking out of the printed bill at line 27, page 3, to and including words "fifth Street" in line 35, page 4, and inserting in lieu there the following:

"line of Southern Heights Avenue; thence west with the center line of Southern Heights Avenue to the center line of Eighth Street; thence north with the center line of Eighth Street to the center line of Florence Avenue thence east with

the center line of Florence Avenue to the center line of Bellvue Avenue; thence north with the center line of Bellvue Avenue to the center line of Longfield Avenue; thence east with the center line of Longfield Avenue to the center line of Rodman Street if extended; thence north with the center line of Rodman Avenue if extended and the center line of Rodman Avenue to the Southern Railroad tracks; thence southwest with the Southern Railway tracks to the center line of Fifth Street if extended;

5. Amend H. B. 309 on pages 4 and 5, sec. 4 lines 14 to 24 by striking out of the printed bill beginning at the phrase "the center line of" in line 14, page 4, of the printed bill, and concluding with the words "Bellvue Avenue" line 24, page 5 and inserting in lieu thereof the following:

"The Southern Railroad tracks; thence northwest with the Southern Railroad tracks to the center line of Rodman Avenue if extended; thence south with the extended line of Rodman Avenue to the center line of Longfield Avenue; thence west with the center line of Longfield Avenue to the center line of Bellvue Avenue; thence south with the center line of Bellvue Avenue to the center line of Florence Street; thence west with the center line of Florence Street; thence to the center line of Eighth Street; thence south with the center line of Eighth Street to Southern Heights Avenue; thence east with the center line of Southern Heights Avenue to the center line of Bellvue Avenue."

Said amendments were each and severally agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	L. W. Preston
Roy W. Arnold	Harold G. Helm	E. F. Prichard
F. O. Baker	E. R. Hilton	Hobart Rayburn
F. H. Bassett, Jr.	Clyde S. Howard	Wade H. Riley
Ott Begley	Maurice Howard	Kelse H. Risner
W. G. Biggers	Jerry F. Howell	Amos Runyan
Jack Bingham	J. J. Huff	J. W. Simmons
B. J. Bonn	Ira W. Hulette	Luther Slusher
J. C. Bradley	Kerby Jennings	Forrest Smith
John Y. Brown	Paul Jonas	W. R. Smith
Chas. W. Burnley	L. H. Jones	Paul J. Stapleton
W. K. Coleman	B. F. Kincaid	Geo. W. Steinford
Fred Creasey	G. O. Kirkpatrick	Ralph G. Stone
S. J. Daugherty	A. L. Love	C. W. Taylor
L. A. Demumbrun	H. K. Lowman	E. L. Thompson
Adron Doran	F. G. Marquette	Ray G. Tipton
G. I. Drury	E. H. Martin	E. N. Todd
Forest C. Easley	W. E. McClure	Walter L. Trivette
Eck Embry	Jack McPherron	S. J. Wagner
R. R. Ernst	Harry L. Moore	Harry F. Walters
A. H. Eversole	J. Lee Moore	Lyle H. Webb
Henry J. Giles	Joe T. Morgan	W. W. Webster
Tom Gilliam	E. C. Mullins	Lawrence Wells
M. B. Gilligan	Louis T. Peniston	Rodney Whitlow
Otto W. Goff	Sylvester Phillips	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 206. An Act to provide for the construction maintenance and operation of flood control systems.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. "Governing authority" and "Board" as used in this Act shall mean and include the Board of Councilmen, Board of Aldermen, and Board of Commissioners or other legislative body of a city. "Commission" shall mean and include any agency or group of individuals appointed by the governing authority of a city for the execution and operation of the provisions of this Act.

Section 2. For the purpose of protecting property within and beyond their limits from floods or high water, cities of all classes are authorized and empowered to establish a flood control system by constructing, enlarging, extending, equipping, maintaining and operating walls or other barriers with necessary appurtenances and equipment, either within or beyond the boundaries of the city.

For that purpose every city may acquire all necessary and convenient land, rights of way and other property therefor by gift, purchase or condemnation, and cause the walls or barriers and their appurtenances and equipment to be erected, maintained and operated as herein provided. The cost thereof may be met and paid (a) by the issuance of bonds of the city as voted by the citizens thereof, or (b) by assessments made upon the property benefited by such construction for the satisfaction of bonds issued therefor, or (c) by a combination of both plans as the governing authority may determine. The city is authorized to accept upon such terms as the governing authority may deem necessary or appropriate any gift, contribution or allotment of money or property by the government of the United States or any of its agencies or by any individual or corporation.

Section 3. Before any city shall undertake the construction, acquisition or improvement of any flood control system, its governing authority shall enact appropriate ordinances which shall (a) set forth a general or brief description of the system, its location and the plan and method of establishing and operating it; (b) designate the particular method or plan to be followed as described in Section 2 hereof; (c) state an estimate of the probable cost thereof; (d) order the construc-

tion, acquisition, extension or improvement of the same; (e) direct that bonds be issued pursuant to the plan adopted and the provisions of this Act in such amount as may be found proper, necessary or convenient in the premises to accomplish the purposes of the project.

Before the adoption of the foregoing ordinance or any amendment thereof which affects the substance, a notice shall be given in the manner provided for publication of ordinances specifying a time and place for a public hearing, the time being not less than ten days after the first publication or posting of said notice, at which time and place all parties in interest may appear before the municipal authorities and may be heard as to whether or not said ordinances shall be adopted. At such hearing all exceptions and suggestions shall be heard and the governing authority shall take such action as it deems proper in the premises; provided, however, that if after such hearing, written protest is filed by forty (40%) per cent or more of owners of real estate situated in that part of the area receiving benefits by the proposed flood control system or improvement, the governing body of the city shall not take further action, unless two-thirds of the members voting thereon assent thereto.

Section 4. The construction, acquisition, improvement, extension, equipment, operation and maintenance of any such flood control system and the collection of revenues hereinafter provided for shall be under the supervision and control of the governing authority or board, or of a commission appointed by such authority as may be determined by ordinance. Any contract for the construction of any wall or other structure or appurtenance shall be made and executed in accordance with the provision of the statutes relating to such contracts with respect to the different classes of cities.

Section 5. All necessary preliminary expenses incurred by the board or commission in the making of surveys, estimates of costs, the employment of professional or technical services, the giving of notices, the taking of options, and all other expenses of whatsoever nature necessary to be paid prior to the issue, sale and delivery of the bonds herein provided for, may be paid by the city and be reimbursed and re-

paid out of the proceeds of the sale of the bonds to be issued for the construction, acquisition, extension or improvement of such flood control systems, as provided for in this act.

Section 6. If it becomes necessary to acquire rights of way, the land, easements or borrow-pits, or other property, and it cannot be acquired by purchase, the governing authority may condemn and obtain the needed property in the manner provided by KRS 416.010 to 416.080, or, alternatively, in the manner provided by the statutes for the condemnation of property for public purposes by the particular class of city exercising the authority of this Act.

Section 7. The cost of the flood control system for which bonds may be issued shall be deemed to include the cost of acquisition or construction thereof, the cost of all the property rights, easements and franchises deemed necessary or convenient for the improvements determined upon, interest during construction, engineering and legal expenses, expenses for plans, specifications and surveys, administrative expenses and such other expenses as may be necessary or incident to the construction or acquisition of the flood control system, and the placing of same in operation, and the performance of the things required or permitted by this Act.

Section 8. If the governing authority of the city shall provide that the entire cost or part of the cost of construction, extending and improving the flood control system shall be at the general expense of the city, it may issue and sell bonds of the city and make the appropriate levies and provisions for payment thereof as provided in KRS 66.050, 66,060, and 66.070, respectively.

Section 9. If the governing authority of the city shall provide that the entire or part of the cost of constructing, extending or improving the flood control system shall be at the expense of the property benefited thereby, then in order to provide a fund for the payment of the cost, the governing authority of the city shall issue and sell flood control system bonds from time to time as funds are needed upon such terms and conditions as said governing authority may declare by ordinance. Provided, however, that said bonds and the interest thereon shall be payable exclusively by the levy of a

tax or assessment against the property benefited thereby including easements, as the said governing authority may determine. Such bonds shall not be an indebtednes of the city, but the city shall pledge and obligate itself to levy and collect sufficient and necessary taxes or assessments annually upon the property benefited for the satisfaction of said bonds as hereinafter provided. Such bonds shall have all the qualities and incidents of negotiable instruments.

Section 10. The sum necessary to be raised annually for the sinking fund and maintenance or operation fund shall be assessed against the property benefited in proportion that the assessed value of each parcel or item of property for city or county taxation shall bear to the whole assessed value as shown by the tax records of the city, if the property lies within the city, or the assessed value as shown by the tax records of the county, if the property lies outside of the corporate limits of the city. Where there is no such record, as in the case of public property or property owned by religious, charitable or educational institutions, the same (except that owned by the Federal Government) shall be specially assessed by the respective assessing officers of the city or county, for which reasonable compensation may be made out of the maintenance fund.

Section 11. The governing authority of the city shall each year so long as any of said bonds remain unpaid levy and collect a tax sufficient for the purpose of creating a sinking fund and paying interest on bonds and provide for the cost of maintaining and operating said flood control system.

Such tax shall be due, payable and collected as other city taxes. If the governing board shall fail to do so in any year the levy previously made shall automatically become the levy for the year in which none shall have been made. A lien shall exist upon said property to the extent of said tax.

Section 12. After any tax or assessment remains delinquent for 30 days or more, the same, together with an added penalty of 10% thereof and interest at the rate of 6% per annum, may be collected and the lien enforced by a suit in equity in the name of or by the city for the use and benefit of the

sinking and maintenance funds. In such an action it shall be sufficient to allege in substance that the flood control system has been inaugurated and the work done and accepted by the city without setting forth the ordinances and proceedings thereunder. Provided, however, that the court may in its discretion require that same be set up and pleaded more definitely and specifically.

Section 13. Any aggrieved owner of property shall have the right to appeal to the circuit court for a review of any action taken by the governing authority, board or commission within sixty days thereafter.

Section 14. The fiscal court of any county in which a flood control system is or may be provided, may contribute toward the costs thereof.

Section 15. The authority given by this act shall be in addition to and not in derogation of any existing power that any city now has. For all purposes of this Act cities shall have jurisdiction outside of the corporate limits except where such extended zone would overlap the boundary of another city, in which event the median line of the overlapping zones shall be the dividing line of their respective jurisdictions.

Section 16. This Act being necessary for the public health, safety and welfare, it shall be liberally construed to effectuate the purposes thereof.

The provisions of this Act shall be deemed severable as far as practical, and should any part be declared invalid or ineffectual, the remainder of the Act shall not be affected thereby but be given full force and effect.

Section 17. Whereas, there is immediate need for protection from floods and high waters, and the Federal Government has made and is making provision for financial aid to the cities, an emergency is hereby declared to exist, and this Act shall become effective immediately upon its pasage and approval.

Mr. Lowman offered the following amendment to said bill, viz.:

Amend S. B. 206 in House on page 5, sec. 9, line 15 and 16

(1) by striking out lines 15 and 16 in Section 9, page 5/

(2) by adding another section, 9a as follows:

In anticipation of the issuance of said bonds, the governing authority or the board may from time to time borrow such money as may be necessary to acquire property and to carry on the work of the project under a pledge that said bonds shall be duly issued in accordance with the statute and ordinances; and when issued the money so borrowed shall be repaid out of the proceeds thereof.''

(3) by adding another section, 9b, as follows:

Each of said bonds shall bear on its face the statement that it has been issued under the provisions of this statute and that it does not constitute an indebtedness of he city within the meaning of the constitution. They shall not be subject to taxation. The bonds shall have all the qualifies and incidents of negotiable instruments.''

Said amendments were agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Chas. W. Burnley	Henry J. Giles
F. O. Baker	Fred Creasey	Tom Gilliam
F. H. Bassett, Jr.	S. J. Daugherty	C. L. Hammonds
Ott Begley	L. A. Demumbrun	Harold G. Helm
W. G. Biggers	E. R. Denny	E. R. Hilton
Jack Bingham	Forest C. Easley	Clyde S. Howard
B. J. Bonn	Eck Embry	Jerry F. Howell
J. C. Bradley	R. R. Ernst	Ira W. Hulette
John Y. Brown	A. H. Eversole	Kerby Jennings

Paul Jonas	Rodes K. Myers	Geo. W. Steinford
G. O. Kirkpatrick	Louis T. Peniston	Ralph G. Stone
Homer E. Losey	Sylvester Phillips	C. W. Taylor
A. L. Love	L. W. Preston	E. L. Thompson
H. K. Lowman	E. F. Prichard	Ray G. Tipton
F. G. Marquette	Wade H. Riley	E. N. Todd
E. H. Martin	Kelse H. Risner	Walter L. Trivette
W. E. McClure	Amos Runyan	S. J. Wagner
Jack McPherron	J. W. Simmons	Harry F. Walters
Harry L. Moore	Luther Slusher	Lyle H. Webb
J. Lee Moore	Forrest Smith	W. W. Webster
Joe T. Morgan	W. R. Smith	Lawrence Wells
E. C. Mullins	Paul J. Stapleton	Rodney Whitlow

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 439. An Act relating to Representatives Districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Sub-section (35) of Section 6.030 of the Kentucky Revised Statutes, 1944 edition, is amended and reenacted to read as follows:

(35) Thirty-fifth District. That portion of Jefferson County outside the boundaries of the City of Louisville whose boundary is as follows: Beginning on the West shore of the Ohio River at low water where the Southwest boundary line of the City if extended would intersect; thence Southwestwardly, Southwardly and Southwestwardly, with the

West shore of the Ohio River to a point where it intersects the Hardin County line; thence Southeastwardly with the Hardin County line to where it intersects the Bullitt County line; thence Northeastwardly and Southeastwardly with the Bullitt County line to the center line of Bardstown Road; thence Northwestwardly with the center line of Bardstown Road to the present City boundary line of the City of Louisville; thence Southwestwardly, westwardly, Northwestwardly, southwestwardly, to the intersection of Clark's Lane and Pindell Avenue; thence Southeast with the center line of Pindell Avenue to the center line of Howland Avenue; thence Southwest with the center line of Howland Avenue, to the City boundary line at the rear of the property on the East side of Delor Avenue; thence Southeast and Northeast with the City boundary line to the center line of Pindell; thence Southeast with the center line of Pindell to the Southern City boundary line; thence with the City boundary line Southwest to the City boundary line in the rear of property on the West side of Parklawn Drive; thence Northwest with the City boundary line to the center line of Clark's Lane; thence Southwestwardly with the City boundary line; thence Southwardly and Northeastwardly and Southeastwardly, and Southwestwardly, thence Southwardly; thence Westwardly; thence Northwestwardly and Southwestwardly with the City boundary line; to the intersection of East property line of Third Street Road and the City Boundary line as of 1922; thence South with the East property line of Third Street Road to the North property line of Alger Avenue; thence West with the North property line of Alger Avenue to the East property line of Third Street; thence North with the East property line of Third Street to the City boundary line as of 1922, Southwestwardly; to the intersection of the West line of Lone Oak Trail, and the City of Louisville boundary line as established in 1922; thence Southwardly with the West line of Lone Oak Trail, to a point 374.60 feet South of the South line of Inverness Avenue, and being the South line of Lots 1 and 71, County Tax Commissioner Map 61,—G; thence Southwestwardly with the South line of Lots 70 and 71, City Tax Commissioner Map 61—G., ap-

proximately 632 feet to the Northeast corner of the Lawnview Subdivision; thence Southeast with the Northeast line of Lawnview Subdivision, 38.9 feet to the West line of Laughlin Avenue; thence South with the West line of Laughlin Ave. to the North line of Kenwood Avenue; thence West with the North line of Kenwood Avenue to the City of Louisville Boundary Line; thence Southwardly; thence Westwardly; thence Southwestwardly; thence Westwardly; thence Northwestwardly; thence Northwardly; thence Eastwardly; thence Northwestwardly; thence Northwardly; thence Northeastwardly; thence Northwardly; thence Northeastwardly with the City Boundary line; to the intersection of McCoy Avenue and Lester Avenue; thence Northwest and Northeast with the City Boundary line, to the City Boundary line along the Northeast line of Schneiter Avenue; thence Southeast with the City Boundary line to the rear of the property on the North side of Weyler Avenue; thence Northeast with the City Boundary line at the rear of the property on the North side of Weyler Avenue to the City Boundary line along the northeast side of Dale Avenue; thence Southeast with the City boundary line along the Northeast side of Dale Avenue, to the City Boundary line at Weyler Avenue; thence Southeast with the Old City Boundary line of 1922; thence Northeast; thence Northwest; thence Northeast; thence Northwest; thence Northeast; thence West with the City Boundary line of 1922; to a point 326.86 feet West of Dixie Highway; thence West with the line of the City Boundary as annexed November 15th, 1944, to a point 119.82 feet West of 23rd Street; thence Northwest to the City boundary line of 1922, and being 165.84 feet West of 23rd Street; thence West with the City boundary line; thence Northwest; thence West to the present City Boundary line if extended to the West shore of the Ohio River at low water to the point of beginning.

Section 2. That Sub-section (37) of Section 6.030 of the Kentucky Revised Statutes, 1944 Edition, is amended and reenacted to read as follows:

(37) Thirty-seventh District. That portion of the City of Louisville whose boundary is as follows: Beginning on the

east boundary line of the City of Louisville where it intersects the Beargrass Creek in Seneca Park; thence westwardly along the center line of Beargrass Creek to the southeast boundary of Cherokee Park, if extended; thence Southwest with the southeast boundary of Cherokee Park, if extended, to the center line of Cherokee Road; thence Southwest, northwest, southwest, northwest, southwest, and northwest along the center line of Cherokee Road to the center line of Cherokee Parkway; thence northeast and northwest with the center line of Cherokee Parkway to the center line of Grinstead Drive; thence westwardly with the center of Grinstead Drive to the center line of Slaughter Avenue, if extended, to the center line of Bardstown Road; thence northwest with the center line of Bardstown Road to the center line of Ellwood Avenue; thence southwest with the center line of Ellwood Avenue to the center line of Baxter Avenue; thence northwest with the center line of Baxter Avenue to the center line of Rufer Avenue; thence southwest with the center line of Rufer Avenue to the center line of Barrett Avenue; thence Northwest with the center line of Barrett Avenue to the center line of Kentucky Street; thence southwest with the center line of Kentucky Street to the center line of Beargrass Creek; thence westwardly along the center line of Beargrass Creek and the center line of Kentucky Street, if extended; to the center line of Shelby Street; thence southwardly and Southeast with the center line of Shelby Street to the present city boundary; thence northeast with the present city boundary to the rear of the property of Lansdown and Parklawn Drive, if extended; thence Southeast; thence Northeast to Pindell Avenue; thence Northwest with Pindell Avenue; thence Southwest; thence Northwest with the present City boundary line to Howland Avenue; thence Northeast with Howland Avenue to Pindell Avenue; thence Northwest with Pindell Avenue to the City boundary line of 1922; thence Northeast, Southeast, Northeast, Northwest, East, northwest, Southeast and northwest to the center line of Beargrass Creek in Seneca Park, point of beginning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 3. That subsection (39) of Section 6.030 of the Kentucky Revised Statutes, 1944 Edition, is amended and re-enated to read as follows:

(39) Thirty-ninth District. That portion of the City of Louisville whose boundary is as follows: Beginning on the north shore of the Ohio River at low water mark where the center line of Floyd Street, if exended would intersect; thence south with the center line of Floyd Street to the center line of College Street; thence east with the center line of College Street to the center line of Preston Street; thence south with the center line of Preston Street and the center line of Arthur Street to the center line of Eastern Parkway; thence southeast with the center line of Eastern Parkway to the center line of Crittenden Drive; thence south with the center line of Crittenden Drive to the present city boundary line; thence southeast with the present city boundary line and northeast, southeast, southwest, southeast, southwest to the center line of the Louisville and Nashville Railroad right-of-way; thence northwest with the center line of the Louisville and Nashville right-of-way to the center line of Harlan Street, if extended; thence east with the center line of Harlan Street, if extended, to the center line of Floyd Street; thence north with the center line of Floyd Street to the center line of Warnock Street; thence west with the center line of Warnock Street to the center line of Shipp Street; thence northwest with the center line of Shipp Street to the center line of Third Street; thence north with the center line of Third Street; thence north with the center line of Third Street to the center line of Avery Street; thence west with the center line of Avery Street to the center line of Fifth Street, if extended; thence north with the center line of Fifth Street, if extended, and the center line of St. James Court, if extended, and the center line of Garvin Place to the center line of St. Catherine St.; thence east with the center line of St. Catherine Street to the center line of Fifth Street; thence northwardly with the center line of Fifth Street and Fifth Street, if extended, to the north shore of the Ohio River at low water mark; thence eastwardly with the north shore of the Ohio River at

low water mark to the center line of Floyd Street, if extended, point of beginning.

Section 4. That Subsection (40) of Section 6.030 of the Kentucky Revised Statutes, 1944 Edition, is amended and re-enacted to read as follows:

(40) Fortieth District. That portion of the City of Louisville whose boundary is as follows:

Beginning on the north shore of the Ohio River at low water mark where the center line of Fifth Street, if extended, would intersect; thence South with the center line of Fifth Street, if extended, and the center line of Fifth Street to the center line of St. Catherine Street; thence west with the center line of St. Catherine Street to the center line of Garvin Place; thence south with the center line of Garvin Place, if extended, and the center line of St. James Court, the center of St. James Court, the center line of Fifth Street, if extended, to the center line of Avery Street; thence east with the center line of Avery Street to the center line of Third Street; thence south with the center line of Third Street to the center line of Shipp Street; thence Southeast with the center line of Shipp Street to the center line of Warnock Street; thence east with the center line of Warnock Street to the center line of Floyd Street; thence south with the center line of Floyd Street to the center line of Harlan Street, if extended; thence west with the center line of Harlan Street, if extended, to the center line of the Louisville and Nashville Railroad right-of-way; thence southeast with the Louisville and Nashville right-of-way to the present city boundary line; thence southwest, northwest and southwest along the City boundary line to the center line of Third Street Road; thence South with the center line of Third Street Road to the North property line of Alger Avenue; thence West with the North property line of Alger Avenue to the East property line of Third Street; thence North with the east property line of Third Street to the City boundary line as of 1922; thence North with the center line of Third Street to the center line of Kenwood Way; thence northwest with the center line of Kenwood Way to the center line of

Southern Parkway; thence north with the center line of Southern Parkway to the center line of Ashland Avenue; thence west with the center line of Ashland Avenue to the center line of Sixth Street; thence north with the center line of Sixth Street to the center line of Park Avenue; thence West with the center line of Park Avenue to the center line of Eighth Street; thence north with the center line of Eighth Street to the center line of Florence Street; thence East with the center line of Florence Street to the center line of Eighth Street; thence north with the center line of Eighth Street to the center line of Longfield Avenue; thence east with the center line of Longfield Avenue; thence east with the center line of Longfield Avenue to the center line of Seventh Street, if extended; thence north with the center line of Seventh Street and Seventh Street, if extended, to the center line of the Southern Railroad; thence northwest with the center line of the Southern Railroad to the center line of Tenth Street; thence north with the center line of Tenth Street and Tenth Street if extended to the north shore of the Ohio River at low water; thence eastwardly with the north shore of the Ohio River at low water to the center line of South Street, if extended, point of beginning.

Section 5. That subsection (41) of Section 6.030 of the Kentucky Revised Statutes, 1944 Edition, is amended and re-enacted to read as follows:

(41) Forty-first District. That portion of the City of Louisville whose boundary is as follows:

Beginning at a point where the center line of Tenth Street, if extended would intersect the P.C.C. & St. L. Bridge; thence south with the center line of Tenth Street and Tenth Street, if extended to the center line of the Southern Railroad right-of-way; thence Southeast with the center line of the Southern Railroad right-of-way to the center line of Seventh Street if extended; thence south with the center line of Seventh Street if extended to the center line of Longfield Avenue; thence west with the center line of Longfield Avenue

to the center line of Eighth Street; thence south with the center line of Eighth Street to the center line of Florence Street; thence west with the center line of Florence Street to the center line of Eighth Street; thence south with the center line of Eighth Street to the center line of Park Avenue; thence east with the center line of Park Avenue to the center line of Sixth Street; thence South with the center line of Sixth Street to the center line of Ashland Avenue; thence east with the center line of Ashland Avenue to the center line of Southern Parkway; thence south with the center line of Southern Parkway to the center line of Kenwood Way; thence southeast with the center line of Kenwood Way to the center line of Third Street; thence South with the center line of Third Street to the present city boundary; thence southwest with the present city boundary; to the intersection of the West line of Lone Oak Trail; and the City of Louisville boundary line as established in 1922; thence Southwardly with the West line of Lone Oak Trail to a point 374.60 feet South of the South line of Inverness Avenue, and being the South line of Lots 1 and 71, County Tax Commissioner Map 61—G; thence Southwestwardly with the South line of Lots 70 and 71, City Tax Commissioner Map 61—G., approximately 632 feet to the Northeast corner of the Lawnview Subdivision; thence Southeast with the Northeast line of Longview Subdivision, 38.9 feet to the West line of Laughlin Avenue; thence South with the West line of Laughlin Ave., to the North line of Kenwood Avenue; thence South with the West line of Laughlin Ave., to the North line of Kenwood Avenue; thence West with the North line of Kenwood Avenue to the City of Louisville Boundary Line; thence South; thence Southwest, West, North, East, Northwest, Northeast, North, Northeast, with the City boundary line; to the intersection of McCoy Avenue and Lester Avenue; thence Northwest and Northeast with the City Boundary line to the City Boundary line along the Northeast line of Schneiter Avenue; thence Southeast with the City Boundary line to the rear of the property on the north side of Weyler Avenue; thence Northeast with the City boundary line at the rear of the property on the North side of Weyler Avenue to the City

Boundary line along the Northeast side of Dale Avenue; thence Southeast with the City boundary line along the Northeast side of Dale Avenue, to the City boundary line of Weyler Avenue; thence Southeast with the Old City boundary line of 1922; thence Northeast; thence Northwest; thence Northeast; thence Northwest; thence Northeast; thence West to the City boundary line of 1922 to the center line of Sixteenth Street; thence North with the center line of Sixteenth Street to the center line of Kentucky Street; thence east with the center line of Kentucky Street to the center line of Fourteenth Street; thence north with the center line of Fourteenth Street and Fourteenth Street, if extended to the center line of the P.P.C. and St. L. Bridge; thence north with the P.C.C. and St. L. Bridge to a point where the center line of Tenth Street if extended would intersect, point of beginning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 6. That Subdivision (43) of Section 6.030 of the Kentucky Revised Statutes, 1944 Edition, is amended and re-enacted to read as follows:

(43) Forty-third District. That portion of the City of Louisville whose boundary is as follows:

Beginning on the North shore of the Ohio River at low water mark where the center line of twenty-second street (old Twenty-first Street) if extended would intersect; thence Southwestwardly with the center line of said Twenty-second Street, if extended, and the center line of said Twenty-second Street (old Twenty-first Street from Dumesnil Street) to the boundary line of the City of Louisville of 1922; thence south with the center line of Twenty-second Street to the new city boundary line of 1944, thence West with the City boundary line of 1944 and City boundary line of 1922 to Thirty-fifth Street; thence northward with the center line of Thirty-fifth Street to the center line of Southern Avenue; thence Eastwardly to the center line of Southern Avenue to the center line of K. & I. Railroad right-of-way if extended, thence Northwardly with the center line of the K. & I. Railroad right-of-way and the center line of Thirty-third Street, if extended, would intersect the north shore of the Ohio River at low

water; thence northeastwardly with the north shore of the Ohio River at low water to the center line of Twenty-second Street (Old Twenty-first Street) if extended, at point of beginning.

Section 7. Whereas Jefferson County is installing Voting Machines in said County which will necessitate the consolidation of existing voting precincts therein in order to average 700 votes to the precinct; and

Whereas, the purpose of this Act is to adjust and correct the description of boundary lines in the following Legislative Districts, viz: 35th, 37th, 39th, 40th, 41st, and 43rd, and

Whereas the City of Louisville has at various times annexed certain areas to said corporate limits, and to render the consolidation of the voting precincts more feasible, convenient and just, and,

Whereas said consolidation of said voting precincts must be accomplished immediately in order to complete the installation of voting machines for use at the Primary Election in August of 1946,

Now, Therefore, an emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	J. C. Bradley	Forest C. Easley
F. H. Bassett, Jr.	John Y. Brown	Tom Gilliam
Ott Begley	Chas. W. Burnley	M. B. Gilligan
W. G. Biggers	W. K. Coleman	Otto W. Goff
Jack Bingham	E. R. Denny	R. M. Hall
B. J. Bonn	Adron Doran	C. L. Hammonds

E. R. Hilton	J. Lee Moore	Geo. W. Steinford
Clyde S. Howard	E. C. Mullins	Ralph G. Stone
Maurice Howard	Thos. A. Noe	C. W. Taylor
Jerry F. Howell	Louis T. Peniston	E. L. Thompson
Ira W. Hulette	Sylvester Phillips	Ray G. Tipton
B. F. Kincaid	L. W. Preston	E. N. Todd
Edgar Kitchen	E. F. Prichard	Walter L. Trivette
A. L. Love	Wade H. Riley	S. J. Wagner
H. K. Lowman	Kelse H. Risner	Lyle H. Webb
F. G. Marquette	Amos Runyan	W. W. Webster
E. H. Martin	Luther Slusher	Lawrence Wells
W. E. McClure	W. R. Smith	Rodney Whitlow
Jack McPherron	Paul J. Stapleton	John Wilborn
Harry L. Moore		

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 259. An Act relating to hospital service corporations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 303.080 Kentucky Revised Statutes be and the same is hereby repealed and re-enacted so that when so repealed and re-enacted it will read as follows:

303.080 DISSOLUTION, REORGANIZATION OR CHANGE OF FORM OF COMPANY.

Any dissolution or liquidation of a hospital service corporation shall be in accordance with KRS 296.050 to 296.070 and 296.140 relating to insurance companies, and any hospital

service corporation may, upon complying with the provisions of KRS 299.230 to 299.300 change to and become a life insurance company upon the mutual or stock plan, subject to the laws of this state applicable to such companies, and those prescribing how Articles of Incorporation shall be amended.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	C. L. Hammonds	Thos. A. Noe
F. H. Bassett, Jr.	Harold G. Helm	Louis T. Peniston
Ott Begley	E. R. Hilton	Sylvester Phillips
W. G. Biggers	Clyde S. Howard	E. F. Prichard
Jack Bingham	Maurice Howard	Kelse H. Risner
B. J. Bonn	Jerry F. Howell	Amos Runyan
J. C. Bradley	Ira W. Hulette	Luther Slusher
John Y. Brown	B. F. Kincaid	Forrest Smith
Chas. W. Burnley	G. O. Kirkpatrick	W. R. Smith
L. A. Demumbrun	Edgar Kitchen	Paul J. Stapleton
E. R. Denny	A. L. Love	Geo. W. Steinford
Adron Doran	H. K. Lowman	Ralph G. Stone
G. I. Drury	F. G. Marquette	C. W. Taylor
Forest C. Easley	E. H. Martin	E. L. Thompson
Eck Embry	W. E. McClure	Ray G. Tipton
R. R. Ernst	Jack McPherron	E. N. Todd
A. H. Eversole	Harry L. Moore	Walter L. Trivette
Henry J. Giles	J. Lee Moore	S. J. Wagner
Tom Gilliam	E. C. Mullins	Rodney Whitlow
M. B. Gilligan	Rodes K. Myers	John Wilborn
Otto W. Goff		

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There voted in the negative—

Wade H. Riley —1

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Committee on Rules to which the same had been referred, reports bills and a resolution entitled:

H. B. 517. An Act appropriating money out of the General Expenditure Fund to supply a deficiency in the appropriation for legislative sessions for year 1945-46.

H. B. 518. An Act making provisions for the acquisition and installment in the House and Senate of electrical roll-call systems.

H. B. 519. An Act relating to instruction in cooperating marketing and consumers' cooperatives.

H. Res. 112. Resolution authorizing John F. Snow to sue the Commonwealth.

With the expression of opinion that said bills and resolution ought to pass.

Said bills and resolution were read at length the first time and ordered to be placed on the Calendar.

A message was received from the Senate announcing that they had passed resolutions and bills which originated in this House, entitled:

H. Res. 61. Resolution authorizing Fred Raymer and Eldon White to sue the Commonwealth.

H. Res. 53. Resolution authorizing Dan T. Martin to sue the Commonwealth.

H. Res. 50. Resolution authorizing Bart Bloomer to sue the Commonwealth.

H. Res. 49. Resolution authorizing Gilbert Brumley to sue the Commonwealth.

H. Res. 48. Resolution authorizing T. B. Dadisman and Iva Dadisman to sue the Commonwealth.

Ordered that said resolutions be delivered to the Enrolling Clerk of this House.

Mr. Biggers moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MARCH 12, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. T. Duckett of the Church of the Nazarene of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson	Chas. W. Burnley	Tom Gilliam
Roy W. Arnold	Alex. H. Calvert	Otto W. Goff
Henry Arrowood	W. K. Coleman	R. M. Hall
Harold L. Barnes	Fred Creasey	C. L. Hammonds
F. H. Bassett, Jr.	S. J. Daugherty	Harold G. Helm
Ott Begley	L. A. Demumbrun	E. R. Hilton
W. G. Biggers	E. R. Denny	Clyde S. Howard
Jack Bingham	Adron Doran	Maurice Howard
B. J. Bonn	G. I. Drury	Jerry F. Howell
J. C. Bradley	Forest C. Easley	J. J. Huff
B. K. Brantley	Eck Embry	Ira W. Hulette
John Y. Brown	R. R. Ernst	Kerby Jennings
Mrs. Mary Burnett	Henry J. Giles	Paul Jonas

L. H. Jones	E. C. Mullins	E. A. Spencer
B. F. Kincaid	Rodes K. Myers	Paul J. Stapleton
Homer E. Losey	Thos. A. Noe	Geo. W. Steinford
A. L. Love	Louis T. Peniston	C. W. Taylor
H. K. Lowman	Sylvester Phillips	E. L. Thompson
E. J. Lucas	L. W. Preston	Ray G. Tipton
Ed Marcum	E. F. Prichard	E. N. Todd
E. H. Martin	Hobart Rayburn	Walter L. Trivette
W. E. McClure	Wade H. Riley	S. J. Wagner
Jack McPherron	Kelse H. Risner	W. W. Webster
Harry L. Moore	Amos Runyan	Geo. J. Weining
J. L. Moore	J. W. Simmons	Morris Weintraub
J. Lee Moore	Luther Slusher	Rodney Whitlow
Fred Morgan	Forrest Smith	John Wilborn
Joe T. Morgan	W. R. Smith	Mr. Speaker

Mr. Howell moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

A message was received from the Governor announcing that he returns to this House where it originated, without his signature and approval, a bill entitled:

H. B. 107. An Act relating to city officials.

Together with his objections and veto to said bill and his reasons therefor.

(For bill see House Journal of February 7)

The objections of the Governor and his reasons therefor, are as follows, viz.:

TO THE GENERAL ASSEMBLY:

This bill, H. B. No. 107, provides that the City Attorney in cities of the Fourth Class shall be elected by the voters, if the Commission form of government is operative. In all other cities of that class, a different provision is made whereby the legislative body may appoint a City Attorney, or it

may provide by ordinance, at least sixty days prior to an election, for his election by the voters.

The Constitution of Kentucky, by Section 156, provides that cities shall be divided into six classes and requires that "The organization and powers of each class shall be defined by general laws, so that all municipal corporations of the same class shall possess the same powers, and be subject to the same restrictions." Whatever provision is made for the selection of a City Attorney must be uniform in all cities of the same class.

The Court of Appeals has pointed out that classification to be valid must have some distinctive and natural relation to the subject classified. A mere arbitrary classification not based on any real reason, is invalid because contrary to the Constitution. The form of government, in which the legislative powers are exercised by a council or by a commission, has no relation whatever to the duties of the City Attorney.

In Felts vs. Linton, 217 Ky. 305, a county budget act was held unconstitutional because it did not apply in counties having a fiscal court composed of the County Judge and three commissioners, but attempted to set up a county budget system in the other counties, where the fiscal court was composed of the County Judge and Magistrates.

The Court held that the presence in the act of an arbitrary classification rendered the whole act invalid. The fact that a city of the Fourth Class is operating under a commission form of government affords no basis for a multiform plan of selecting a City Attorney.

Since H. B. No. 107 is invalid, I cannot give it my approval. It is, therefore, vetoed, and returned to the House where it originated.

Simeon Willis, Governor
Commonwealth of Kentucky

Frankfort, Kentucky
March 12, 1946.

Mr. Prichard moved that said bill and Veto Message from the Governor be referred

To the Committee on Rules.

Said motion was agreed to.

At the instance of the Committee on Rules, the following bills were introduced, viz.:

By Messrs. Jonas and Hall.

H. B. 520. An Act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 234.230 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Licenses to sell distilled spirits and wine by the drink for consumption on the premises located within cities of the first, second or third class, or elsewhere in counties containing a city of the first, second or third class if those counties maintain an adequate police force under KRS 70.540 to 70.570 and KRS 70.150 to 70.170, or for premises located in any county upon property which is owned by a county containing a city of the first, second or third class.

By Mr. Creasey.

H. B. 521. An Act relating to insurance agents.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 298.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The license of an agent for a stock insurance company doing other than a life business may be revoked or suspended, or application therefor or renewal thereof may be refused, by the director, if he finds, after due investigation

and a hearing as provided in rules and regulations prescribed and promulgated by him, that the holder of the license or the applicant therefor has:

(a) Violated any provision of the insurance law;

(b) Violated any law in the course of his dealing as an agent;

(c) Made a material misstatement in his application for the license;

(d) Been guilty of fraudulent or dishonest practices;

(e) Demonstrated his incompetency or untrustworthiness to transact business as an insurance agent;

(f) Failed or refused, upon demand, to pay over to any company he represents or has represented any money coming into his hands belonging to the company;

(g) Willfully over-insured any risk in this state;

(h) Willfully misrepresented any policy of insurance, or willfully deceived any person with regard to an insurance policy; or

(i) Has held or is applying for or is holding such license primarily for the purpose of writing insurance upon risks owned or controlled by him or in which he has an interest or upon which he has a lien of any kind; or owned or controlled by individuals or corporations, or in which they or either of them have an interest or upon which they or either of them have a lien of any kind, with whom the applicant is associated, whether by way of ownership, employment, or a holding of stock, who writes more than fifty (50%) percent in premium volume of his business covering such risks.

By Mr. W. R. Smith.

H. B. 522. An Act relating to revenue and taxation, defining the term "business situs" etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 132.190 Kentucky Revised Statutes is hereby repealed, amended and reenacted so that as amended and reenacted it shall read as follows:

(1) The property subject to taxation, unless exempted by the Constitution, shall be as follows:

(a) All real and personal property within the State, including intangible personal property of nonresidents and corporations not organized under the laws of this state that has acquired a business within this state, except that twenty-five domestic fowls to each family shall be exempt from taxation for any purpose.

The term business situs when applied to intangible personal property shall mean property used in this state in some trade or business in substantially a continuous operation and not property merely held or invested and reinvested for nonresident beneficial owners by a resident fiduciary or agent.

(b) All intangible personal property of individuals residing in this state and of corporations organized under the laws of this state, whereever located.

(2) The property enumerated in paragraph (b) of subsection (1) of this section shall be considered and estimated in fixing the valuation of corporate franchises.

(3) Property shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale.

(4) The situs of intangible personal property for purposes of taxation shall be at the residence of the real or beneficial owner, and not at the residence of the fiduciary or agent having custody or possession. All intangible personal property shall have a situs and shall be subject to taxation in this state in so far as the General Assembly can subject it to taxation under the Constitution of the United States and of Kentucky. Any intangible property owned by a resident shall be taxable in this state, unless by the date of assessment he has changed his place of abode to a place without this state with the bona fied intention of continuing actually to abide permanently without this state. The fact that a person again abides within this state within six months from so changing his actual place of abode shall be prima facie evidence that he did not intend permanently to have his actual place of abode without this state. A person so changing his actual place of abode and not intending permanently to continue it without

this state and not having listed his property for taxation as a resident of this state, shall, for the purpose of having his property assessed for taxation within this state, be deemed to have resided on the day when his property should have been so assessed, at his last actual or habitual place of abode within this state. The fact that a person does not claim or exercise the right to vote at a public election within this state shall not of itself constitute him a nonresident of this state.

(5) An administrator, executor, trustee, committee, curator or agent residing in this state shall not be liable for taxes on intangible personal property held by him if the real or beneficial owner of the property resides outside of this state. This exemption shall not apply in the case of an executor or administrator in the execise of his office as personal representative while the estate of a deceased person is in the process of settlement and before the share of the nonresident legatee or beneficiary is set apart to him, or before the legatee or beneficiary is entitled to be paid his share.

(6) Nothing contained in this section shall affect the liability for franchise taxes payable by corporations organized under the laws of this state; nor the method of taxation of banks and trust companies provided in KRS 136.270; nor the method of taxation of building and loan companies provided in KRS 136.300; and nothing contained in this section shall alter or repeal KRS 136.030.

By Mr. Myers.

H. B. 523. An Act relating to police powers in cities of the third class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 95.510 be amended by adding to Subsection 1 of said Section 95.510 the following clause:

"And shall charge and receive the same fees for similar services."

So that Section 95.510, when amended and re-enacted, shall read as follows:

"95.510 Police Powers; Cities of the Third Class.

1. "The chief and all members of the police force in cities of the third class shall be peace officers of the city and the state, with the same powers to make arrests, execute process, and enforce the laws as constables and sheriffs, and shall charge and receive the same fees for similar services.

2. "Their jurisdiction shall be coextensive with the City and extend one mile beyond its limits."

It appearing that by oversight or accident, no provision is made whereby the chief of police or the city policemen of cities of the third class may be compensated for making arrests in misdemeanor cases, an emergency is declared to exist, necessitating the passage of this act; and it shall become a law by the concurrence of a majority of the members elected to each house of the General Assembly, by a yea and nay vote entered upon the journal of each House, and when approved by the Governor.

By Mr. Bassett.

H. Res. 113. Resolution authorizing the payment of a claim against the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

It appearing that the Commonwealth of Kentucky is indebted to Lewis Kaye, Vice Chairman of the Kentucky Aeronautics Commission, in the amount set forth herein and for the reasons herein indicated and it further appearing that said claim is just against the Commonwealth, the Commissioner of Finance is hereby authorized and directed to pay said claim when presented, and the amount necessary to pay said claim is hereby appropriated out of the General Fund for that purpose:

Name—Lewis Kaye.

Address—Harrods Creek, Kentucky.

Amount—$277.41.

Reason—Use of individual airplane for official business of the Commonwealth.

Ordered that said bills and resolution be printed and referred

To the Committee on Rules.

Mr. John Y. Brown moved that the privilege of the floor be extended to Messrs. Robert Stevenson and John S. Cooper of Somerset, Kentucky.

Said motion was agreed to.

Mr. Creasey moved that the privilege of the floor be extended to Messrs. Paul Morrow and Clay Kauffman.

Said motion was agreed to.

The House took up for consideration from the Calendar, bills and a resolution entitled:

H. B. 517. An Act appropriating money out of the General expenditure Fund to supply a deficiency in the appropriation for legislative sessions for year 1945-46.

H. B. 518. An Act making provisions for the acquisition and installment in the House and Senate of electrical roll-call systems.

H. B. 519. An Act relating to instruction in cooperating marketing and consumers' cooperatives.

H. Res. 112. Resolution authorizing John F. Snow to sue the Commonwealth.

Ordered that said bills and resolution be read the second time.

The Constitutional provision as to the second reading of said bills and resolution at length having been dispensed with, said bills and resolution were read the second time by their titles only.

Ordered that said bills and resolution be placed in the Orders of the Day.

Mr. Whitlow moved that the House do now take up for immediate consideration from its place in the Orders of the Day, a resolution entitled:

H. Res. 28. Resolution providing for payment of the per diem of the late J. T. Linton.

Said motion was agreed to, without objection.

Thereupon the House took up for consideration said resolution.

Said resolution is as follows, viz.:

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

That there is hereby appropriated out of the Legislative Session Fund an amount equal to $15.00 for each day of the present session of the General Assembly, to be paid to Mrs. J. T. Linton, widow of the late Representative J. T. Linton of Logan County, being the per diem the late Representative Linton would have received had he lived to serve during this session to which he was duly elected. The Clerk of the House shall certify the amount specified herein to the Commissioner of Finance, who is hereby directed to draw his warrant upon the State Treasurer in the amount specified herein.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	E. C. Mullins
Roy W. Arnold	C. L. Hammonds	Rodes K. Myers
Henry Arrowood	Harold G. Helm	Thos. A. Noe
Harold L. Barnes	E. R. Hilton	Louis T. Peniston
F. H. Bassett, Jr.	Clyde S. Howard	Sylvester Phillips
Ott Begley	Maurice Howard	E. F. Prichard
W. G. Biggers	Jerry F. Howell	Hobart Rayburn
Jack Bingham	J. J. Huff	Wade H. Riley
B. J. Bonn	Ira W. Hulette	Amos Runyan
J. C. Bradley	Kerby Jennings	J. W. Simmons
B. K. Brantley	Paul Jonas	Luther Slusher
John Y. Brown	L. H. Jones	Forrest Smith
Mrs. Mary Burnett	B. F. Kincaid	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Paul J. Stapleton
Alex. H. Calvert	Edgar Kitchen	Geo. W. Steinford
W. K. Coleman	Homer E. Losey	E. L. Thompson
S. J. Daugherty	A. L. Love	Ray G. Tipton
E. R. Denny	E. J. Lucas	E. N. Todd
Adron Doran	Ed Marcum	Walter L. Trivette
G. I. Drury	E. H. Martin	S. J. Wagner
Forest C. Easley	W. E. McClure	Harry F. Walters
Eck Embry	Jack McPherron	W. W. Webster
R. R. Ernst	Harry L. Moore	Geo. J. Weining
Henry J. Giles	J. L. Moore	Lawrence Wells
Tom Gilliam	J. Lee Moore	Rodney Whitlow
M. B. Gilligan	Fred Morgan	John Wilborn
Otto W. Goff	Joe T. Morgan	Mr. Speaker

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Resolved that the title thereof be as aforesaid.

Mr. Whitlow moved that the vote by which said resolution was adopted, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Taylor moved that a resolution entitled:

H. Res. 3. Resolution authorizing the payment of a claim to F. J. Alsop.

Which was reported by the Committee on Claims on February 8, with the expression of opinion that said resolution ought not to pass,

Be recommitted to the Committee on Rules.

Said motion was agreed to, and

Said resolution was referred to the Committee on Rules.

Mr. Phillips moved that a bill entitled:

H. B. 344. An Act relating to the condemnation of real property by counties.

Which was reported by the Committee on Ways and Means on March 1, with the expression of opinion that said bill ought not to pass,

Be recommitted to the Committee on Rules.

Said motion was agreed to.

Thereupon said bill was recommitted

To the Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 469. An Act authorizing public projects.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, unless the context requires otherwise:

(1) "Public project" means any lands, buildings or structures, works or facilities suitable for and intended for use as public property for public purposes or suitable for and intended for use in the promotion of the public health, public welfare or the conservation of natural resources, including the planning of any such lands, buildings, structures, works or facilities, and shall also include existing lands, buildings, structures, works and facilities, as well as improvements or additions to any such lands, buildings, structures, works or facilities. (2) "Governmental agency" means the Commonwealth of Kentucky as such acting by or through any department, instrumentality or agency thereof, or any county, city, agency, or instrumentality or other political subdivision of the Commonwealth, or agency, or instrumentality thereof.

§ 2. A governmental agency acting separately or jointly with one or more of any such agency, may acquire, construct, maintain, add to and improve any public project as defined in this Act, which public project may be located within or without or partly within and partly without the territorial limits of such governmental agency or agencies, and for the purpose of defraying the cost thereof may borrow money and issue negotiable revenue bonds. Before any department or agency of the state government shall borrow money and issue bonds under this Act, the head of the department or agency shall file with the Secretary of State a written order, approved by the Governor, the Attorney-General and the Commissioner of Finance, setting forth the proposed public project, the amount of the bonds to be issued, and the maximum rate of interest the bonds are to bear. Any governmental agency other than agencies of the state government may borrow money and issue revenue bonds under this Act pursuant to an order, resolution or ordinance of its legislative body, which order, resolution or ordinance shall set forth the proposed public project, the amount of the revenue bonds to be issued and the maximum rate of interest. In every instance the order, resolution or ordinance shall provide that the public project is being undertaken under the provisions of this Act.

§ 3. (1) The bonds may be issued to bear interest at the rate not to exceed six percent per annum, payable either annually or semi-annually, and shall be executed in such manner and be payable at such times not exceeding twenty-five years from date thereof and at such place or places as the governmental agency determines.

(2) The bonds may provide that they or any of them may be called for redemption prior to maturity, on interest payment dates not earlier than one year from the date of issuance of the bonds, at a price not exceeding 103 and accrued interest, under conditions fixed by the governmental agency before issuing the bonds.

(3) Any governmental agency is authorized to rent or lease such public project or any portion thereof to any persons, partnerships, associations or corporations either public or private.

(4) A governmental agency is hereby empowered to accept donations or gifts to the public project from any source and to accept appropriations and grants to the public project from the Federal Government or any agency thereof and appropriations from the state or any county, city or other political subdivision and, at the opinion of the governmental agency, to pledge such donations, gifts or appropriations to the payment of revenue bonds issued to finance the cost of a public project.

§ 4. Bonds issued pursuant to this Act shall be negotiable and shall not be subject to taxation. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in such manner and upon such terms as the governmental agency deems best, or any contract for the acquisition of a public project may provide that payment shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than six percent, except as provided in subsection (2) of section 3 of this Act. The bonds shall be payable solely from the revenue derived from the public project and shall not constitute an

indebtedness of the state, county, city or political subdivision within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has been issued under the provisions of this Act and that it does not constitute an indebtedness of the governmental agency within the meaning of the Constitution.

§ 5. All money received from the bonds shall be applied solely for the acquisition, construction, maintenance or improvement of the public project, and the necessary expense of preparing, printing and selling said bonds, or to advance the payment of the interest on the bonds during the first three years following the date of the bonds.

§ 6. If there is any default in the payment of principal or interest of any bond, any court having jurisdiction of the action may appoint a receiver to administer the public project on behalf of the governmental agency, with power to charge and collect rents royalties, fees, rates and charges and to receive any other available revenue sufficient to provide for the payment of any bonds or obligations outstanding against the public project, and for the payment of operating expenses, and to apply the income and revenue in conformity with this Act and the order, resolution or ordinance referred to in Section 2 of this Act.

§ 7. At or before the issuance of bonds the governmental agency shall, by order, resolution or ordinance, set aside and pledge the income and revenue of the public project including rents, royalties, fees and proceeds of sales of property and from rates and charges for services derived from or rendered by the public project into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. The order, resolution or ordinance shall definitely fix and determine the amount of revenue necessary to be set apart and applied to the payment of principal and interest of the bonds, and the properties of the balance of the income and revenue to be set aside as a proper and adequate depreciation account, and the remaining proportion of such balance shall be set aside for the reasonable and proper operation and maintenance of the public project. The rents, royalties, fees, rates

and charges for the services or sale of the public project shall be fixed and revised from time to time so as to be sufficient to provide for payment of interest upon all bonds and to create a sinking fund to pay the principal thereof when due, and to provide for the operation and maintenance of the public project and an adequate depreciation account.

§ 8. If a surplus is accumulated in the operating and maintenance funds equal to the cost of maintaining and operating the public projects during the remainder of the calendar, operating or fiscal year, and during the succeeding like year, any excess over such amount may be transferred at any time by the governmental agency to the depreciation account, to be used for improvements, extensions or additions to the public project.

§ 9. The funds accumulating to the depreciation account shall be expended in balancing depreciation in the public project or in making new constructions, extensions or additions thereto. Any such accumulations may be invested as the governmental agency may designate, and if invested the income from such investment shall be carried into the depreciation account.

§ 10. The governmental agency may issue new bonds to provide funds for the payment of any outstanding bonds, in accordance with the procedure prescribed by this Act. The new bonds shall be secured to the same extent and shall have the same source of payment as the bonds refunded.

§ 11. If the governmental agency finds that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued in the same manner.

§ 12. Any governmental agency acquiring any public project pursuant to the provisions of this Act may, at the time of issuing the bonds for such acquisition, provide for additional bonds for extensions and permanent improvements to be placed in escrow and to be negotiated from time to time as proceeds for that purpose may be necessary. Bonds placed in escrow shall, when negotiated, have equal standing with bonds of the same issue.

Mr. Peniston offered the following amendment to said bill, viz.:

Amend H. B. 469 by adding at the end thereof two new sections, to be numbered Sections 13 and 14, and to read as follows:

13. Any governmental agency may use, for the purpose of acquiring, constructing, maintaining, extending or improving a public project, or for the payment of interest or principal on any revenue bonds issued by the agency pursuant to this Act, any funds or tax revenues available for general purposes of the agency and not required by law to be devoted to some other purpose.

14. In the event a governmental agency is unable to acquire, by purchase or agreement, any real property deemed necessary for the purposes of a public project, such agency may acquire the same by condemnation. The procedure for condemnation shall be as provided in KRS 416.010 to 416.080, or as provided in KRS 416.120, whichever procedure is selected by the agency.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Jack Bingham	Chas. W. Burnley
Henry Arrowood	B. J. Bonn	Alex. H. Calvert
F. O. Baker	J. C. Bradley	W. K. Coleman
Harold L. Barnes	B. K. Brantley	S. J. Daugherty
Ott Begley	John Y. Brown	E. R. Denny
W. G. Biggers	Mrs. Mary Burnett	Adron Doran

G. I. Drury	Homer E. Losey	J. W. Simmons
Eck Embry	A. L. Love	Luther Slusher
R. R. Ernst	E. J. Lucas	Forrest Smith
A. H. Eversole	Ed Marcum	E. A. Spencer
Henry J. Giles	E. H. Martin	Paul J. Stapleton
Tom Gilliam	W. E. McClure	Geo. W. Steinford
M. B. Gilligan	Jack McPherron	Ralph G. Stone
R. M. Hall	Harry L. Moore	C. W. Taylor
C. L. Hammonds	J. Lee Moore	E. L. Thompson
Harold G. Helm	Fred Morgan	Ray G. Tipton
E. R. Hilton	Joe T. Morgan	E. N. Todd
Clyde S. Howard	E. C. Mullins	Walter L. Trivette
Maurice Howard	Rodes K. Myers	S. J. Wagner
Jerry F. Howell	Thos. A. Noe	Harry F. Walters
Ira W. Hulette	Louis T. Peniston	W. W. Webster
Kerby Jennings	Sylvester Phillips	Geo. J. Weining
Paul Jonas	L. W. Preston	Morris Weintraub
L. H. Jones	Wade H. Riley	Rodney Whitlow
B. F. Kincaid	Amos Runyan	John Wilborn
Edgar Kitchen		—76

Mr. Peniston offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 469 by striking the title and inserting in lieu thereof the following:

An Act authorizing the acquisition, construction, maintenance, extension and improvement of public projects, and the renting or leasing thereof, by governmental units, agencies and instrumentalities; providing for the acquisition of property for a public project by condemnation; and authorizing the issuance of tax free revenue bonds for public projects, and the use of tax revenues and other funds for such projects.

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Peniston moved that the vote by which said bill was passed, be reconsidered and said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the following resolution was introduced, viz.:

By Messrs. Begley and Smith.

H. Res. 114. Resolution for the payment of a claim to Charles Cornett.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Charles Cornett, former sheriff of Perry County, Kentucky, be paid the sum of $342.13 for making a trip to Ely, Nevada, for the purpose of returning Hershell Terry who stood indictment in the Perry Circuit Court on the charge of Willful Murder and delivering him to Charlie Duff, Jailer of Perry County, Kentucky.

Ordered that said resolution be printed and referred

To the Committee on Rules.

Mr. Brown moved that when the House adjourns today, it adjourn to meet again on tomorrow at twelve-thirty o'clock p. m.

Said motion was disagreed to.

Mr. J. Lee Moore moved that when the House adjourn today, it adjourn out of respect to the memory of the mother of The Honorable C. W. Taylor.

Said motion was agreed to.

At the instance of the Committee on Rules, The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 4. An Act relating to execution of death sentences.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 431.220 of the Kentucky Revised Statutes is amended to read as follows:

Every death sentence shall be executed by the administration of lethal gas. All executions of the death penalty shall take place within the walls of the state penal institution designated by the Department of Welfare, wherein a suitable and efficient enclosure and proper means for the administration of lethal gas shall be provided by the department.

§ 2. Subsection (1) of section 431.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) Unless the execution is stayed by due process of law or under authority of subsection (2) of this section, the superintendent of the penitentiary or his deputy shall proceed, on the day and at the place named in the judgment of conviction, to cause the condemned person to be executed. The execution shall take place before sunrise on the day designated in the judgment.

§ 3. Section 431.250 of the Kentucky Revised Statutes is amended to read as follows:

The following persons and no others, may attend an execution: The technician and the superintendent of the penitentiary and his deputy or deputies and guards; the sheriff of the county in which the condemned was convicted; the Commissioner of Welfare and representatives of the Department of Welfare designated by him; the physician and chaplain of the penitentiary; a clergyman and three other persons selected by the condemned; one representative of every newspaper published in the county in which the condemned was convicted, and one representative of every daily newspaper published in the state.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	Louis T. Peniston
Henry Arrowood	C. L. Hammonds	Sylvester Phillips
F. O. Baker	Clyde S. Howard	L. W. Preston
Harold L. Barnes	Maurice Howard	E. F. Prichard
F. H. Bassett, Jr.	Jerry F. Howell	Hobart Rayburn
Ott Begley	J. J. Huff	Wade H. Riley
W. G. Biggers	Ira W. Hulette	Amos Runyan
Jack Bingham	B. F. Kincaid	J. W. Simmons
B. J. Bonn	G. O. Kirkpatrick	Luther Slusher
J. C. Bradley	Edgar Kitchen	Forrest Smith
John Y. Brown	E. J. Lucas	Geo. W. Steinford
Mrs. Mary Burnett	Ed Marcum	C. W. Taylor
Alex. H. Calvert	W. E. McClure	E. L. Thompson
W. K. Coleman	Jack McPherron	Ray G. Tipton
Fred Creasey	Harry L. Moore	E. N. Todd
S. J. Daugherty	J. L. Moore	Walter L. Trivette
Adron Doran	J. Lee Moore	S. J. Wagner
G. I. Drury	Fred Morgan	Harry F. Walters
Forest C. Easley	Joe T. Morgan	W. W. Webster
Henry J. Giles	E. C. Mullins	Geo. J. Weining
Tom Gilliam	Rodes K. Myers	Rodney Whitlow
M. B. Gilligan	Thos. A. Noe	John Wilborn
Otto W. Goff		

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Those who voted in the negative were—

Chas. W. Burnley	A. L. Love	E. H. Martin

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Resolved that the title thereof be as aforesaid.

Mr. Taylor moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 237. An Act relating to water districts, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 74.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission shall keep an account of the time spent by all employes, and each item of expense incurred in connection with any water district, and shall charge such account to the district for which the expense was incurred. Where the time or work is upon more than one district at the same time, it shall be apportioned between the districts. In the event any compensation fixed by the commission for any employe is on a salary basis, such salary shall be equitably apportioned between the districts by the commission.

(2) The commission shall be required to prepare and make available, to the consumers of the water supplied by any water district, an annual statement of receipts and disbursements; and any floating or bonded indebtedness. This report shall show the cost of water, material, labor, other salaries and any other expenses incidental to the operation and maintenance.

(3) All books of the commission shall be open for public inspection during normal business hours.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Ott Begley	B. K. Brantley
Henry Arrowood	W. G. Biggers	John Y. Brown
F. O. Baker	Jack Bingham	Mrs. Mary Burnett
Harold L. Barnes	B. J. Bonn	Chas. W. Burnley
F. H. Bassett, Jr.	J. C. Bradley	Alex. H. Calvert

W. K. Coleman	Kerby Jennings	Sylvester Phillips
Fred Creasey	Paul Jonas	L. W. Preston
S. J. Daugherty	B. F. Kincaid	E. F. Prichard
G. I. Drury	G. O. Kirkpatrick	Hobart Rayburn
Forest C. Easley	Edgar Kitchen	Wade H. Riley
R. R. Ernst	A. L. Love	Amos Runyan
Henry J. Giles	E. J. Lucas	J. W. Simmons
Tom Gilliam	Ed Marcum	Luther Slusher
M. B. Gilligan	E. H. Martin	Forrest Smith
Otto W. Goff	W. E. McClure	Geo. W. Steinford
R. M. Hall	Jack McPherron	C. W. Taylor
C. L. Hammonds	Harry L. Moore	E. L. Thompson
Harold G. Helm	J. L. Moore	Ray G. Tipton
E. R. Hilton	J. Lee Moore	E. N. Todd
Clyde S. Howard	Fred Morgan	Walter L. Trivette
Maurice Howard	E. C. Mullins	W. W. Webster
Jerry F. Howell	Rodes K. Myers	Rodney Whitlow
J. J. Huff	Louis T. Peniston	John Wilborn
Ira W. Hulette		—70

Those who voted in the negative were—

L. A. Demumbrun Eck Embry —2

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 357. An Act relating to admission to the bar.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 30.030 of the Kentucky Revised Statutes is amended to read as follows:

All applicants for examination by the board of bar examiners shall possess the following qualifications before being permitted to take the examination for admission to practice law in this Commonwealth:

(1) He shall be not less than twenty-one years of age, of good moral character, and possess a high standard of integrity, and have attained the scholastic or business learning experience set forth in either subsection (2) or (3) of this Act.

(2) He shall have attended a standard college located within the United States and recognized by the Department of Education of this Commonwealth, for not less than two full scholastic years and attained a passing grade as provided for by the rules of said college, and in addition thereto must have attended three full scholastic years at some standard college of law recognized by the American Bar Association, and shall present a certificate from said college of completion of the prescribed course of study in said college and receive a passing grade in all of the studies prescribed in said college.

(3) He, being a person of more than thirty-five years of age, must be a graduate of some standard recognized high school of this Commonwealth, which high school shall be fully accredited by the Department of Education of the Commonwealth, and shall within the ten years immediately prior to his matriculation into a college of law as provided for, shall have been elected to or appointed to the office of county judge, county clerk, circuit clerk or master commissioner of any county in this Commonwealth, and shall have served not less than eight years of said ten year period in the discharge of the duties of one of the offices above named, and in addition thereto shall have attended three full scholastic years in a college of law recognized by the American Bar Association, and shall present to the board of bar examiners a certificate from said law college that he has attained a passing grade in all studies prescribed by said college.

(4) The Court of Appeals of Kentucky shall make all necessary and proper rules to provide for the examination of applicants for examination to practice law in this Commonwealth, whenever the applicant shall present to the board of bar examiners proof of the possession of the moral and scolas-

tic or business attainments provided for in the three foregoing subsections.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Otto W. Goff	Fred Morgan
F. O. Baker	R. M. Hall	Joe T. Morgan
Harold L. Barnes	C. L. Hammonds	E. C. Mullins
F. H. Bassett, Jr.	E. R. Hilton	Rodes K. Myers
W. G. Biggers	Maurice Howard	Sylvester Phillips
Jack Bingham	Jerry F. Howell	E. F. Prichard
B. J. Bonn	J. J. Huff	Hobart Rayburn
J. C. Bradley	Ira W. Hulette	Wade H. Riley
B. K. Brantley	Kerby Jennings	Amos Runyan
John Y. Brown	B. F. Kincaid	J. W. Simmons
Mrs. Mary Burnett	G. O. Kirkpatrick	Luther Slusher
Chas. W. Burnley	Edgar Kitchen	Geo. W. Steinford
Alex. H. Calvert	Homer E. Losey	Ralph G. Stone
Fred Creasey	E. J. Lucas	C. W. Taylor
S. J. Daugherty	Ed Marcum	E. L. Thompson
L. A. Demumbrun	E. H. Martin	Ray G. Tipton
Adron Doran	W. E. McClure	E. N. Todd
R. R. Ernst	Jack McPherron	Walter L. Trivette
Tom Gilliam	J. L. Moore	Rodney Whitlow
M. B. Gilligan		—58

Those who voted in the negative were—

Harry L. Moore	Louis T. Peniston	Forrest Smith

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had refused to concur in an amendment by way of Substitute as proposed and adopted by the House to a bill which originated in the Senate, entitled:

S. B. 17. An Act relating to the collection of school taxes.

And respectfully request that the House recede from said amendment by way of substitute.

(For bill and amendment thereby way of substitute therefor, as proposed and adopted by the House, see Journal of March 7)

Mr. Doran moved that the House do now recede from said amendment by way of Substitute.

Said motion was agreed to.

Thereupon the House receded from said amendment by way of Substitute.

Mr. Myers moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 109. An Act relating to chiropractors.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 312.030 of the 1944 Edition of the Kentucky Revised Statutes is repealed, amended and re-en-

acted so that when amended and re-enacted it will read as follows:

Any person of good moral character, with a preliminary education or experience equivalent to a high school education, who has been graduated from a chiropractic school or college giving a course of four academic years and requiring actual attendance of at least four thousand 45-minute academic hours in anatomy, physiology, neurology, symptomatology, hygiene, sanitation, pathology, chiropractic analysis, philosophy, and the principles and practice of chiropractic, shall be eligible to take the examination for a license. Provided, this act shall not be applicable to those persons who were in attendance at Chiropractic schools or colleges prior to the passage of this act.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	S. J. Daugherty	Maurice Howard
Roy W. Arnold	L. A. Demumbrun	Jerry F. Howell
F. O. Baker	E. R. Denny	Ira W. Hulette
Harold L. Barnes	Adron Doran	Kerby Jennings
F. H. Bassett, Jr.	G. I. Drury	G. O. Kirkpatrick
Ott Begley	Forest C. Easley	Edgar Kitchen
W. G. Biggers	Eck Embry	A. L. Love
Jack Bingham	Henry J. Giles	E. J. Lucas
B. J. Bonn	Tom Gilliam	Ed Marcum
J. C. Bradley	M. B. Gilligan	E. H. Martin
B. K. Brantley	Otto W. Goff	W. E. McClure
John Y. Brown	R. M. Hall	Jack McPherron
Mrs. Mary Burnett	C. L. Hammonds	Harry L. Moore
Chas. W. Burnley	Harold G. Helm	J. Lee Moore
Alex. H. Calvert	E. R. Hilton	Joe T. Morgan
W. K. Coleman	Clyde S. Howard	E. C. Mullins

Rodes K. Myers	Amos Runyan	Ray G. Tipton
Thos. A. Noe	Luther Slusher	E. N. Todd
Louis T. Peniston	Forrest Smith	Walter L. Trivette
Sylvester Phillips	Paul J. Stapleton	Harry F. Walters
L. W. Preston	Geo. W. Steinford	W. W. Webster
E. F. Prichard	Ralph G. Stone	Geo. J. Weining
Hobart Rayburn	C. W. Taylor	Rodney Whitlow
Wade H. Riley	E. L. Thompson	John Wilborn

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Resolved that the title thereof be aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Myers moved that the House do now take up for consideration from the Clerk's Desk a bill entitled:

S. B. 17. An Act relating to the collection of school taxes.

Said motion was agreed to.

Thereupon the House took up said bill for further consideration.

Mr. Myers moved that the vote by which said bill was passed, as amended, on March 7, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Myers offered the following amendment thereto by way of substitute therefor, viz.:

Be It Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.500 of the Kentucky Revised Statutes is amended to read as follows:

(1) School taxes shall be collected by the regular tax collectors for the tax levying authorities that make the school

levies for the various school districts, at the same time and in the same manner as other local taxes are collected, except as provided in this section and in KRS 160.510. The bond of the regular tax collector shall be made to cover his duties as the tax collector of the school district or districts for which he collects taxes. The tax collector shall be entitled to a fee at the rate of four percent for the collection of school taxes, which fee may be charged only for collecting or receiving school taxes or school funds received from the local school levy. No allowance shall be made for the collection of school taxes to any collecting officer who continues to collect taxes after his term that would not be allowed him had he collected the taxes during his term.

(2) An independent school district may select a special tax collector to collect its school taxes, and in the event such independent school district does so select a special tax collector, a majority of the members of the independent school district Board of Education shall fix a fee for such special tax collector at a rate of not less than 1% and nor more than 4% of the school taxes or school funds collected by such special tax collector from the local school levy in such independent school district. The special tax collector shall be required to execute bond in the same manner as provided in KRS 160.560 for the execution of a treasurer's bond, and the penal sum of the bond shall not be less than the aggregate of the tax bills that come into the hands of the special tax collector.

(3) The clerk shall include all school taxes on the regular tax bills furnished the tax collector except in case an independent district has selected a special tax collector, in which case the school taxes shall be listed by the clerk on a separate bill. The clerk shall be allowed a fee not to exceed three cents for each separate school tax bill, to be paid by the independent district board of education.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	A. H. Eversole	Louis T. Peniston
Roy W. Arnold	Tom Gilliam	Sylvester Phillips
Harold L. Barnes	M. B. Gilligan	L. W. Preston
F. H. Bassett, Jr.	R. M. Hall	E. F. Prichard
Ott Begley	C. L. Hammonds	Hobart Rayburn
W. G. Biggers	Maurice Howard	W. R. Smith
Jack Bingham	Jerry F. Howell	E. A. Spencer
B. J. Bonn	Kerby Jennings	Paul J. Stapleton
B. K. Brantley	Paul Jonas	Geo. W. Steinford
John Y. Brown	Edgar Kitchen	Ralph G. Stone
Mrs. Mary Burnett	A. L. Love	E. L. Thompson
Alex. H. Calvert	H. K. Lowman	Ray G. Tipton
W. K. Coleman	E. J. Lucas	E. N. Todd
S. J. Daugherty	Ed Marcum	S. J. Wagner
L. A. Demumbrun	E. H. Martin	Harry F. Walters
E. R. Denny	W. E. McClure	W. W. Webster
G. I. Drury	Jack McPherron	Geo. J. Weining
Forest C. Easley	J. Lee Moore	Morris Weintraub
Bernie S. Edlin	Rodes K. Myers	Rodney Whitlow
Eck Embry	Thos. A. Noe	John Wilborn

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Those who voted in the negative were—

J. C. Bradley	E. R. Hilton	E. C. Mullins
Chas. W. Burnley	J. J. Huff	Wade H. Riley
Adron Doran	Ira W. Hulette	Amos Runyan
R. R. Ernst	Homer E. Losey	Walter L. Trivette
Henry J. Giles		

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Mr. J. Lee Moore moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that the Chief Clerk report the action of the House to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 76. An Act repealing and reenacting Sec. 745 of the Civil Code of Practice.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 745 of the Civil Code of Practice is repealed and the following is enacted in lieu thereof:

An appeal shall not be granted except within six months next after the right to appeal first accrued, unless the party applying therefor was then a defendant in the action, and an infant not under coverture; or of unsound mind; or a prisoner who did not appear by his attorney—in which cases an appeal may be granted to such parties, or their representatives, within one year next after their deaths or the removal of their disabilities, whichever may first happen.

Mr. Biggers moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the negative.

Mr. Brown moved that said bill be laid on the table.

Said motion was agreed to.

And so said bill was tabled.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 178. An Act authorizing the establishment and erection of memorials in honor of veterans of World War II.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Every county in this Commonwealth is authorized to make provision for the establishment or erection of a memorial or memorial building to commemorate the sacrifices of its citizens serving or who has served in the armed forces of the United States during any one or all wars.

(2) Every city in this Commonwealth is likewise so authorized. Such city shall not be required to locate such memorial within the city.

(3) Every city and every county are authorized to undertake the establishment or erection of such memorial jointly, and to share the expense thereof in such proportions as may be agreed upon between the governing bodies of the city and county.

(4) Cities and counties are authorized to make appropriations for such purposes out of the current revenues, subject to revenue limitations.

(5) Every county is authorized to issue bonds for such purpose when approved by the voters of the county in the manner provided by Kentucky Revised Statutes 66.040, and connected sections.

(6) Every city is authorized to issue bonds for such purpose when approved by the voters of the city in the manner provided by Kentucky Revised Statutes 66.050 to 66.060 and 66.070, and related sections applicable to the class to which such city belongs.

(7) The establishment, erection and operation of such memorial may be managed and controlled in any manner as determined by the city or county legislative body, or both, or may be managed and controlled by a commission, which shall consist of not less than three nor more than seven persons.

(8) Such commission shall be appointed by the mayor of the city, with the concurrence of the smallest legislative body, where the city undertakes the project; and shall be appointed by the county judge, with the concurrence of the fiscal court, where the county undertakes the project; and where both undertake the project, the commission may be so appointed by the joint action of the city and county.

(9) Where the city or the county has undertaken such project and has appointed a commission, the city or county

thereafter undertaking support of same is authorized to accept the commission already appointed.

(10) Each member of the commission so appointed shall qualify by taking the oath of office, and by giving bond to the county or city who appointed the commission for the faithful performance of such office,. and such bond shall be approved by the fiscal court or one legislative body of the city.

(11) Vacancies shall be filled by the remaining members of the commission; and the members of the commission shall hold office for four years and until their successors are selected and qualified.

(12) Such commission shall constitute a corporation, which shall be known as "Memorial Commission of————"; and in such corporate name may sue and be sued, be contracted with, acquire real and personal property by gift, purchase or condemnation; and may do all other things which may be reasonably necessary to fully carry out the work; and may employ such assistants and officers as may be reasonably necessary to enable it to carry out its purpose.

(13) The governing authority naming such commission shall have power further to define the nature of the work to be undertaken, the duties and responsibilities to the commission and of its members and employes, and the manner and amount by which they are to be compensated, either by general direction or by specific definition.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Harold L. Barnes	Jack Bingham
Roy W. Arnold	F. H. Bassett, Jr.	B. J. Bonn
F. O. Baker	Ott Begley	J. C. Bradley

B. K. Brantley
John Y. Brown
Mrs. Mary Burnett
Chas. W. Burnley
W. K. Coleman
S. J. Daugherty
L. A. Demumbrun
Adron Doran
Forest C. Easley
Eck Embry
R. R. Ernst
A. H. Eversole
Henry J. Giles
Tom Gilliam
M. B. Gilligan
R. M. Hall
C. L. Hammonds
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Maurice Howard
Jerry F. Howell
J. J. Huff
Ira W. Hulette
Kerby Jennings
Paul Jonas
L. H. Jones
G. O. Kirkpatrick
Edgar Kitchen
A. L. Love
E. J. Lucas
Ed Marcum
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. Lee Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
Geo. W. Steinford
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
S. J. Wagner
Harry F. Walters
W. W. Webster
Geo. J. Weining
Morris Weintraub
Lawrence Wells
Rodney Whitlow
John Wilborn
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Mr. Runyon offered the following amendment to the title of said bill, viz.:

Amend the title to S. B. 178 in House by striking from line 2 of title the words "World War II" and inserting in lieu thereof the following: "Any one or all wars."

Said amendment was agreed to.

Resolved that title thereof be as amended.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 265. An Act relating to county road employes.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 179.110 of the Kentucky Revised Statutes is amended to read read as follows:

(1) The fiscal court shall employ necessary employes in the different road precincts of the county, and may summarily discharge them at pleasure. The employes shall perform service upon the roads of the county according to the directions prescribed by the fiscal court. In the event the fiscal court fails to act in any such respect, the county judge may take the action. The employes may receive such compensation per day as may be allowed by the fiscal court, within the limits hereinafter prescribed in this section.

(2) Every able-bodied man employed to do manual or day labor on the county roads shall receive the prevailing wages of the vicinity in which the work is to be done, within the limits prescribed in subsectons (3) and (4) of this section. A day's work shall consist of not less than eight hours of actual labor.

(3) In counties having a population of 70,000 or less, as shown by the most recent federal census, the persons employed under this section shall be paid not less than one dollar nor more than three dollars per day, according to services rendered, except in the case of necessary skilled labor, foreman and assistant engineers, who shall receive not more than five dollars per day.

(4) In counties having a population of more than 70,000, as shown by the most recent federal census, persons employed to do manual labor on the county roads may be paid a daily wage of not to exceed six dollars per day. Persons employed to perform skilled labor in the repair, maintenance or operation of road machinery or equipment, or in the construction of roads, brides or culverts, or employed as foreman to supervise the work of other persons, may be paid a daily wage not to exceed eight dollars per day. In such

counties a person may be employed to generally supervise the work of all other employes in the county road department and may be paid a salary not to exceed three thousand dollars per year.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Forest C. Easley	W. E. McClure
F. H. Bassett, Jr.	Tom Gilliam	Jack McPherron
B. J. Bonn	M. B. Gilligan	Fred Morgan
B. K. Brantley	R. M. Hall	Amos Runyan
John Y. Brown	C. L. Hammonds	J. W. Simmons
Mrs. Mary Burnett	Clyde S. Howard	Geo. W. Steinford
Chas. W. Burnley	Maurice Howard	E. L. Thompson
W. K. Coleman	Jerry F. Howell	S. J. Wagner
S. J. Daugherty	Kerby Jennings	Geo. J. Weining
Adron Doran	Paul Jonas	Mr. Speaker
G. I. Drury	E. H. Martin	—32

Those who voted in the negative were—

Roy W. Arnold	Ira W. Hulette	Hobart Rayburn
F. O. Baker	L. H. Jones	Wade H. Riley
Harold L. Barnes	G. O. Kirkpatrick	Luther Slusher
Ott Begley	Edgar Kitchen	Forrest Smith
Jack Bingham	A. L. Love	W. R. Smith
J. C. Bradley	H. K. Lowman	E. A. Spencer
L. A. Demumbrun	E. J. Lucas	Ray G. Tipton
E. R. Denny	Ed Marcum	E. N. Todd
Eck Embry	Harry L. Moore	Walter L. Trivette
R. R. Ernst	J. Lee Moore	Harry F. Walters
A. H. Eversole	Joe T. Morgan	W. W. Webster
Henry J. Giles	E. C. Mullins	Morris Weintraub
Harold G. Helm	Louis T. Peniston	Lawrence Wells
E. R. Hilton	Sylvester Phillips	Rodney Whitlow
J. J. Huff	L. W. Preston	John Wilborn

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Mr. Weintraub moved that the vote by which said bill was rejected, be reconsidered.

Said motion was disagreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 29. A joint resolution for the benefit of John W. Faulkner.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT the sum of $132.61 is hereby appropriated from the General Fund of the Commonwealth of Kentucky in favor of John W. Faulkner, and the Department of Finance shall draw its warrant for such amount upon the State Treasurer in favor of John W. Faulkner, for fees for transporting prisoners from Williamsburg, Kentucky, to the House of Reform at Greendale, Kentucky, claim for which fees was not presented within the required time.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	John Y. Brown	Forest C. Easley
F. O. Baker	Mrs. Mary Burnett	Eck Embry
F. H. Bassett, Jr.	Chas. W. Burnley	R. R. Ernst
Ott Begley	W. K. Coleman	Henry J. Giles
Jack Bingham	E. R. Denny	Tom Gilliam
B. J. Bonn	Adron Doran	M. B. Gilligan
J. C. Bradley	G. I. Drury	R. M. Hall

C. L. Hammonds	Harry L. Moore	W. R. Smith
Harold G. Helm	J. Lee Moore	E. A. Spencer
E. R. Hilton	Fred Morgan	Ralph G. Stone
Clyde S. Howard	E. C. Mullins	Ray G. Tipton
Maurice Howard	Louis T. Peniston	Walter L. Trivette
J. J. Huff	L. W. Preston	S. J. Wagner
Ira W. Hulette	Hobart Rayburn	Harry F. Walters
Paul Jonas	Wade H. Riley	W. W. Webster
G. O. Kirkpatrick	Amos Runyan	Geo. J. Weining
E. J. Lucas	J. W. Simmons	Morris Weintraub
E. H. Martin	Luther Slusher	Rodney Whitlow
W. E. McClure	Forrest Smith	John Wilborn
Jack McPherron		—58

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 30. A resolution appropriating from the General Fund of the Commonwealth the sum of $2,000.00 for the purpose of restoring the Daniel Boone Monument.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

(1) There is hereby appropriated from the General Expenditure Fund of the Commonwealth the sum of $2,000.00 for the purpose of restoring the Daniel Boone Monument located in the cemetery of the Frankfort Cemetery (Incorporated) at Frankfort, Kentucky.

(2) The Department of Finance of the Commonwealth of Kentucky is hereby designated as representative of the Commonwealth of Kentucky for the purpose of accepting,

or rejecting, any proposal for or cost of said restoration, as may be obtained and presented to it by Frankfort Cemetery (Incorporated).

(3) The Department of Finance of the Commonwealth of Kentucky is directed to issue its warrant, or warrants, for the cost of said restoration payable to such person or persons as may be contracted with for said purpose.

(4) Such part if any, of said appropriation, as may not be necessarily expended for said restoration shall revert to the General Expenditure Fund of the Commonwealth of Kentucky.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Henry J. Giles	Harry L. Moore
F. O. Baker	Tom Gilliam	J. Lee Moore
F. H. Bassett, Jr.	M. B. Gilligan	Fred Morgan
Ott Begley	R. M. Hall	E. C. Mullins
Jack Bingham	C. L. Hammonds	Louis T. Peniston
B. J. Bonn	Harold G. Helm	L. W. Preston
J. C. Bradley	E. R. Hilton	Hobart Rayburn
John Y. Brown	Clyde S. Howard	Wade H. Riley
Mrs. Mary Burnett	Maurice Howard	Amos Runyan
Chas. W. Burnley	J. J. Huff	J. W. Simmons
W. K. Coleman	Ira W. Hulette	Luther Slusher
E. R. Denny	Paul Jonas	Forrest Smith
Adron Doran	G. O. Kirkpatrick	W. R. Smith
G. I. Drury	E. J. Lucas	E. A. Spencer
Forest C. Easley	E. H. Martin	Ralph G. Stone
Eck Embry	W. E. McClure	Ray G. Tipton
R. R. Ernst	Jack McPherron	Walter L. Trivette

S. J. Wagner Geo. J. Weining Rodney Whitlow
Harry F. Walters Morris Weintraub John Wilborn
W. W. Webster —58

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 33. A joint resolution authorizing the payment of a pauper idiot claim by the Breathitt Circuit Court to Ed. T. Deaton of Jackson, Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Ed T. Deaton of Jackson, Kentucky, is now the owner of a pauper idiot claim allowed in the Breathitt Circuit Court at the November, 1943 term, in the total amount of $37.50.

It appearing that said claim was not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claim is a just claim against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claim when presented by Ed T. Deaton of Jackson, Ky., and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claim, and the amount necessary to pay said claim, being $37.50, is hereby appropriated out of the General Fund for that purpose.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only nad passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	L. W. Preston
F. O. Baker	C. L. Hammonds	Hobart Rayburn
F. H. Bassett, Jr.	Harold G. Helm	Wade H. Riley
Ott Begley	E. R. Hilton	Amos Runyan
Jack Bingham	Clyde S. Howard	J. W. Simmons
B. J. Bonn	Maurice Howard	Luther Slusher
J. C. Bradley	J. J. Huff	Forrest Smith
John Y. Brown	Ira W. Hulette	W. R. Smith
Mrs. Mary Burnett	Paul Jonas	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Ralph G. Stone
W. K. Coleman	E. J. Lucas	Ray G. Tipton
E. R. Denny	E. H. Martin	Walter L. Trivette
Adron Doran	W. E. McClure	S. J. Wagner
G. I. Drury	Jack McPherron	Harry F. Walters
Forest C. Easley	Harry L. Moore	W. W. Webster
Eck Embry	J. Lee Moore	Geo. J. Weining
R. R. Ernst	Fred Morgan	Morris Weintraub
Henry J. Giles	E. C. Mullins	Rodney Whitlow
Tom Gilliam	Louis T. Peniston	John Wilborn
M. B. Gilligan		

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 35. A joint resolution appropriating the sum of $1792.69 to the Department of Military Affairs for extraordinary emergency expenditures of the Kentucky Active Militia during the flood disaster of 1946.

Said bill is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. There is hereby appropriated from the General Expenditure Fund of the Commonwealth a sum of $1792.69 to the Department of Military Affairs to meet expenses of the Kentucky Active Militia for flood duty during January, 1946, which sum shall cover fuel for vehicles, meals and travel of members of the Militia, active duty pay, sanitary supplies, telephone calls, and transportation.

2. Because compensation for personal service is due members of the Active Militia, and because members of the Active Militia were obliged to remain away from their regular occupations, in order to discharge their military duties, an emergency is declared to exist, and this resolution shall take effect upon signature from the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Forest C. Easley	Paul Jonas
F. O. Baker	Eck Embry	G. O. Kirkpatrick
F. H. Bassett, Jr.	R. R. Ernst	E. J. Lucas
Ott Begley	Henry J. Giles	E. H. Martin
Jack Bingham	Tom Gilliam	W. E. McClure
B. J. Bonn	M. B. Gilligan	Jack McPherron
J. C. Bradley	R. M. Hall	Harry L. Moore
John Y. Brown	C. L. Hammonds	J. Lee Moore
Mrs. Mary Burnett	Harold G. Helm	Fred Morgan
Chas. W. Burnley	E. R. Hilton	E. C. Mullins
W. K. Coleman	Clyde S. Howard	Louis T. Peniston
E. R. Denny	Maurice Howard	L. W. Preston
Adron Doran	J. J. Huff	Hobart Rayburn
G. I. Drury	Ira W. Hulette	Wade H. Riley

Amos Runyan	Ralph G. Stone	W. W. Webster
J. W. Simmons	Ray G. Tipton	Geo. J. Weining
Luther Slusher	Walter L. Trivette	Morris Weintraub
Forrest Smith	S. J. Wagner	Rodney Whitlow
W. R. Smith	Harry F. Walters	John Wilborn
E. A. Spencer		—58

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 37. A joint resolution authorizing payment of claims against the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

It appearing that the Commonwealth of Kentucky is indebted to the hereinafter named persons, in the amount set forth opposite their names and for the reasons there indicated, and it further appearing said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims, when presented, and the statute of limitations as now provided by law shall not be a bar to their payment, and the amount necessary to pay said claims is hereby appropriated out of the General Fund for that purpose.

Name	Address	Amount	Reason
Roy McIntosh	Jackson, Ky.	$37.50	Pauper claim
Arlie Bush	Jackson, Ky.	$ 2.00	Witness claim
Elihu Allen	Jackson, Ky.	$ 9.40	Witness claim

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	L. W. Preston
F. O. Baker	C. L. Hammonds	Hobart Rayburn
F. H. Bassett, Jr.	Harold G. Helm	Wade H. Riley
Ott Begley	E. R. Hilton	Amos Runyan
Jack Bingham	Clyde S. Howard	J. W. Simmons
B. J. Bonn	Maurice Howard	Luther Slusher
J. C. Bradley	J. J. Huff	Forrest Smith
John Y. Brown	Ira W. Hulette	W. R. Smith
Mrs. Mary Burnett	Paul Jonas	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Ralph G. Stone
W. K. Coleman	E. J. Lucas	Ray G. Tipton
E. R. Denny	E. H. Martin	Walter L. Trivette
Adron Doran	W. E. McClure	S. J. Wagner
G. I. Drury	Jack McPherron	Harry F. Walters
Forest C. Easley	Harry L. Moore	W. W. Webster
Eck Embry	J. Lee Moore	Geo. J. Weining
R. R. Ernst	Fred Morgan	Morris Weintraub
Henry J. Giles	E. C. Mullins	Rodney Whitlow
Tom Gilliam	Louis T. Peniston	John Wilborn
M. B. Gilligan		

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. Res. 31. A joint resolution appropriating the sum of $802.11 to the War Department of the U. S. government for reimbursement for War Department property destroyed or misplaced by the Kentucky National Guard between 1936 and 1941.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

(1) There is hereby appropriated from the General Expenditure Fund of the Commonwealth a sum of $802.11 to reimburse and pay to the War Department of the United States government for supplies and equipment furnished the Kentucky National Guard under the National Defense Act.

(2) The Department of Finance is directed to issue its warrant upon the State Treasurer for the sum of $802.11, payable to the War Department of the United States government.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Denny	Harold G. Helm
F. O. Baker	Adron Doran	E. R. Hilton
F. H. Bassett, Jr.	G. I. Drury	Clyde S. Howard
Ott Begley	Forest C. Easley	Maurice Howard
Jack Bingham	Eck Embry	J. J. Huff
B. J. Bonn	R. R. Ernst	Ira W. Hulette
J. C. Bradley	Henry J. Giles	Paul Jonas
John Y. Brown	Tom Gilliam	G. O. Kirkpatrick
Mrs. Mary Burnett	M. B. Gilligan	E. J. Lucas
Chas. W. Burnley	R. M. Hall	E. H. Martin
W. K. Coleman	C. L. Hammonds	W. E. McClure

Jack McPherron	Amos Runyan	Walter L. Trivette
Harry L. Moore	J. W. Simmons	S. J. Wagner
J. Lee Moore	Luther Slusher	Harry F. Walters
Fred Morgan	Forrest Smith	W. W. Webster
E. C. Mullins	W. R. Smith	Geo. J. Weining
Louis T. Peniston	E. A. Spencer	Morris Weintraub
L. W. Preston	Ralph G. Stone	Rodney Whitlow
Hobart Rayburn	Ray G. Tipton	John Wilborn
Wade H. Riley		

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 54. A joint resolution authorizing the payment of claims for service as Jury Commissioners to Ezra Beach, J. W. Connelly, and Vol Lowe, of Gallatin County, Ky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commonwealth of Kentucky is indebted to Ezra Beach, J. W. Connelly, and Vol Lowe, of Gallatin County, Kentucky, in the sum of six dollars ($6.00) each, for their services as Jury Commissioners of the Gallatin Circuit court on March 19 and 20, 1945.

It appearing that the said claims were not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by Ezra Beach, J. W. Connelly, and Vol Lowe, and the amount necessary to

pay said claims, being eighteen dollars ($18.00), is hereby appropriated out of the General Fund for that purpose.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	L. W. Preston
F. O. Baker	C. L. Hammonds	Hobart Rayburn
F. H. Bassett, Jr.	Harold G. Helm	Wade H. Riley
Ott Begley	E. R. Hilton	Amos Runyan
Jack Bingham	Clyde S. Howard	J. W. Simmons
B. J. Bonn	Maurice Howard	Luther Slusher
J. C. Bradley	J. J. Huff	Forrest Smith
John Y. Brown	Ira W. Hulette	W. R. Smith
Mrs. Mary Burnett	Paul Jonas	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Ralph G. Stone
W. K. Coleman	E. J. Lucas	Ray G. Tipton
E. R. Denny	E. H. Martin	Walter L. Trivette
Adron Doran	W. E. McClure	S. J. Wagner
G. I. Drury	Jack McPherron	Harry F. Walters
Forest C. Easley	Harry L. Moore	W. W. Webster
Eck Embry	J. Lee Moore	Geo. J. Weining
R. R. Ernst	Fred Morgan	Morris Weintraub
Henry J. Giles	E. C. Mullins	Rodney Whitlow
Tom Gilliam	Louis T. Peniston	John Wilborn
M. B. Gilligan		

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 64. A joint resolution appropriating from the General Expenditure Fund in the State Treasury, and authorizing and directing the payment to Mr. Roy Dunn, ex-jailer of Madison County, the sum of $404.00.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of $404.00 is appropriated out of the General Expenditure Fund in the State Treasury, for the purpose of paying the claim of Roy Dunn, of Madison County, for fuel, light and water furnished to the Madison Circuit Court during the years 1942, 1943 and 1944. The Commissioner of Finance is hereby directed to draw his warrant upon the State Treasurer, in favor of the said Roy Dunn for said amount, and the Treasurer, upon receipt of the warrant, is directed to issue a check in favor of the said Roy Dunn in the amount of $404.00.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Chas. W. Burnley	Tom Gilliam
F. O. Baker	W. K. Coleman	M. B. Gilligan
F. H. Bassett, Jr.	E. R. Denny	R. M. Hall
Ott Begley	Adron Doran	C. L. Hammonds
Jack Bingham	G. I. Drury	Harold G. Helm
B. J. Bonn	Forest C. Easley	E. R. Hilton
J. C. Bradley	Eck Embry	Clyde S. Howard
John Y. Brown	R. R. Ernst	Maurice Howard
Mrs. Mary Burnett	Henry J. Giles	J. J. Huff

Ira W. Hulette	Louis T. Peniston	Ralph G. Stone
Paul Jonas	L. W. Preston	Ray G. Tipton
G. O. Kirkpatrick	Hobart Rayburn	Walter L. Trivette
E. J. Lucas	Wade H. Riley	S. J. Wagner
E. H. Martin	Amos Runyan	Harry F. Walters
W. E. McClure	J. W. Simmons	W. W. Webster
Jack McPherron	Luther Slusher	Geo. J. Weining
Harry L. Moore	Forrest Smith	Morris Weintraub
J. Lee Moore	W. R. Smith	Rodney Whitlow
Fred Morgan	E. A. Spencer	John Wilborn
E. C. Mullins		—58

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 79. A Resolution appropriating from the General Fund of the Commonwealth of Kentucky the sum of three-hundred twenty ($320.00) dollars and interest thereon to pay a claim and satisfy a judgement of the Franklin Circuit Court.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund to the Harlan Plumbing and Heating Company of Harlan, Kentucky the sum of three-hundred twenty ($320.00) dollars and interest thereon at the rate of six percent (6%) per annum from May 3, 1944 until paid, said appropriation being to satisfy a judgment of the Franklin Circuit Court obtained by the Harlan Plumbing and Heating Company against the Commonwealth of Kentucky Military Department Armory Cor-

poration, said judgment arising from materials furnished and services rendered by the Harlan Plumbing and Heating Company in the construction of an armory at Harlan, Kentucky for payment of which there was not and is not funds available.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	L. W. Preston
F. O. Baker	C. L. Hammonds	Hobart Rayburn
F. H. Bassett, Jr.	Harold G. Helm	Wade H. Riley
Ott Begley	E. R. Hilton	Amos Runyan
Jack Bingham	Clyde S. Howard	J. W. Simmons
B. J. Bonn	Maurice Howard	Luther Slusher
J. C. Bradley	J. J. Huff	Forrest Smith
John Y. Brown	Ira W. Hulette	W. R. Smith
Mrs. Mary Burnett	Paul Jonas	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Ralph G. Stone
W. K. Coleman	E. J. Lucas	Ray G. Tipton
E. R. Denny	E. H. Martin	Walter L. Trivette
Adron Doran	W. E. McClure	S. J. Wagner
G. I. Drury	Jack McPherron	Harry F. Walters
Forest C. Easley	Harry L. Moore	W. W. Webster
Eck Embry	J. Lee Moore	Geo. J. Weining
R. R. Ernst	Fred Morgan	Morris Weintraub
Henry J. Giles	E. C. Mullins	Rodney Whitlow
Tom Gilliam	Louis T. Peniston	John Wilborn
M. B. Gilligan		—58

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the day, a resolution entitled:

H. Res. 82. A Joint Resolution authorizing the payment of witness claims allowed by the Pulaski Circuit Court, to Cundiff Bros., of Somerset, Ky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Cundiff Bros. of Somerset, Kentucky, are now the owners of witness claims allowed in the Pulaski Circuit Court at the February, 1944 term, in the total amount of $4.00.

It appearing that said claims were not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by Cundiff Bros. of Somerset, Kentucky, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claim, being $4.00, is hereby appropriated out of the General Fund for that purpose.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	L. W. Preston
F. O. Baker	C. L. Hammonds	Hobart Rayburn
F. H. Bassett, Jr.	Harold G. Helm	Wade H. Riley
Ott Begley	E. R. Hilton	Amos Runyan
Jack Bingham	Clyde S. Howard	J. W. Simmons
B. J. Bonn	Maurice Howard	Luther Slusher
J. C. Bradley	J. J. Huff	Forrest Smith
John Y. Brown	Ira W. Hulette	W. R. Smith
Mrs. Mary Burnett	Paul Jonas	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Ralph G. Stone
W. K. Coleman	E. J. Lucas	Ray G. Tipton
E. R. Denny	E. H. Martin	Walter L. Trivette
Adron Doran	W. E. McClure	S. J. Wagner
G. I. Drury	Jack McPherron	Harry F. Walters
Forest C. Easley	Harry L. Moore	W. W. Webster
Eck Embry	J. Lee Moore	Geo. J. Weining
R. R. Ernst	Fred Morgan	Morris Weintraub
Henry J. Giles	E. C. Mullins	Rodney Whitlow
Tom Gilliam	Louis T. Peniston	John Wilborn
M. B. Gilligan		

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The House took up for consideration from the Orders of the Day a resolution entitled:

H. Res. 96. A Resolution providing for the payment to Milton T. Whitworth as Commonwealth's Attorney for the Ninth Judicial District of Kentucky.

Said resolution is as follows, viz.:

Now, therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

That in consideration of the facts recited in the preamble herein, the Commonwealth of Kentucky hereby recognizes and acknowledges a moral obligation to Milton T. Whitworth as Commonwealth's Attorney for the Ninth Judicial District of Kentucky to pay to the said Milton T. Whitworth out of the State Treasury as follows, to-wit:

(1) The full salary and the full commission on all fines and forfeitures and judgments rendered in said Judicial District which were collected and paid into the State Treasury from January 21, 1942, to April 10, 1945, at the rates and in the amounts prescribed by KRS 69.050.

(2) From the amount determined as next hereinabove prescribed there shall be deducted (a) the total amount heretofore paid to the said Milton T. Whitworth out of the State Treasury as salary and commission on fines and forfeitures assessed on judgments rendered in said Judicial District between January 21, 1942 and April 10, 1945, and fines and forfeitures which were collected and paid into the State Treasury, and (b) the total amount paid to any Commonwealth's Attorney or Commonwealth's Attorney pro tem out of the State Treasury during said period.

The Commissioner of Finance hereby is authorized and directed to issue his warrant upon the State Treasury for the sum due and payable to the said Milton T. Whitworth, ascertained as hereinabove provided, and the Treasurer of the Commonwealth hereby is authorized and directed to honor said warrant and to issue a check on the State Treasury payable to Milton T. Whitworth in such amount and to deliver said check to the said Milton T. Whitworth. Said payment shall be charged to and paid out of the General Fund.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Jack Bingham	Mrs. Mary Burnett
F. O. Baker	B. J. Bonn	Chas. W. Burnley
F. H. Bassett, Jr.	J. C. Bradley	W. K. Coleman
Ott Begley	John Y. Brown	E. R. Denny

Adron Doran	Paul Jonas	J. W. Simmons
G. I. Drury	G. O. Kirkpatrick	Luther Slusher
Forest C. Easley	E. J. Lucas	Forrest Smith
Eck Embry	E. H. Martin	W. R. Smith
R. R. Ernst	W. E. McClure	E. A. Spencer
Henry J. Giles	Jack McPherron	Ralph G. Stone
Tom Gilliam	Harry L. Moore	Ray G. Tipton
M. B. Gilligan	J. Lee Moore	Walter L. Trivette
R. M. Hall	Fred Morgan	S. J. Wagner
C. L. Hammonds	E. C. Mullins	Harry F. Walters
Harold G. Helm	Louis T. Peniston	W. W. Webster
E. R. Hilton	L. W. Preston	Geo. J. Weining
Clyde S. Howard	Hobart Rayburn	Morris Weintraub
Maurice Howard	Wade H. Riley	Rodney Whitlow
J. J. Huff	Amos Runyan	John Wilborn
Ira W. Hulette		—58

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 423. An Act creating the Kentucky Geological Survey.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The Kentucky Geological Survey is hereby created and established with a single administrative officer, who is designated as Director and State Geologist.

(2) The office of said Survey shall be located on the campus of the University of Kentucky, in the quarters now

occupied by the Geological Division of the Department of Mines and Minerals. The geological collections, records, maps, reports, and accumulated property and equipment of the former Kentucky Geological Surveys, excepting the collections of the State Museum, are to be kept and maintained at the offices set aside for the Survey at Lexington, and the money necessary for their maintenance and for the maintenance of the said Survey shall be provided for from appropriations made to the Survey.

Section 2. The Governor shall appoint a technically trained geologist as Director and State Geologist. He shall have a thorough, scientific and practical knowledge of the sciences of geology, mineralogy, hydrography and allied subjects. He shall be a graduate in geology from a recognized University, and shall be possessed of at least ten years' experience in the field of geology, of which at least three years shall have been spent in the subject of geological problems in the State of Kentucky. He shall hold office for a term of four years unless removed by the Governor.

Section 3. It shall be the duty of the Director and State Geologist to give his entire and undivided attention to the administration of the affairs of the Kentucky Geological Survey; to visit any and all parts of the state so as to make himself familiar with the needs of each section; to supervise, outline and edit the work of his assistants; to advance the interests of Kentucky by presenting in person, or otherwise, before national geological meetings authoritative statements of the geological and mineral resources of the state; to undertake such field work as his time will permit, to advise and consult with any and all persons interested in the mineral resources development of the State, and perform such other duties as may properly pertain to his office. He shall have the supervision of the entire work of the Survey, and shall be responsible for the accuracy of same. He shall make a report biennially to the Governor, at the convening of the General Assembly, covering the activities accomplished by and proposed for the Kentucky Geological Survey. Under the direction and control of the Director and State Geologist, the corps of the Survey shall proceed to make careful geo-

logical, mineralogical, chemical, water, geophysical and soil surveys of the State; enter upon record an accurate statement of the extent of water power, water courses and ground water resources; locate coal, oil, metalliferous deposits, clays, ores, building stones, etc.; report characteristics and compositions of soils and minerals; collect, analyze, classify and label specimens of rocks, fossils, ores, coals, oils, gases, minerals, soils, and other natural resources of the state; and cause specimens of the above named exhibits of the state to be correctly labeled and preserved in the office of the Survey in Lexington or any other state museum or collection open to the public.

Section 4. The Director and State Geologist is authorized to employ competent assistant geologists, paleontologists, topographers, surveyors, specialists and such stenographic and clerical assistants as may be required for the proper conduct of the affairs of the Survey. All traveling and field expenses of the Director and his assistants shall be paid out of funds appropriated for the Survey.

Section 5. The Director and State Geologist may enter into co-operative arrangements for geological, topographic, soil, water resource, and such other surveys as are properly within the scope of the Kentucky Geological Survey, with the Agricultural Experiment Station of the University of Kentucky, the United States Geological Survey, the United States Department of Agriculture, or other organizations or governmental departments; provided that in each case agreed upon the said organization or department shall furnish an amount of money or services equal to that allotted for such work by this Survey; and provided further, that such co-operative agreements shall be made and carried out so that in all things they will prove advantageous to the State of Kentucky.

Section 6. The salary of the Director and State Geologist shall be five thousand dollars ($5,000) per annum, payable monthly as other salaries of state officers are paid.

Section 7. (1) The reports of the Survey shall be prepared, reviewed, edited and approved by the Director, who

shall requisition the printing of same through the Commissioner of Finance.

(2) The Director is authorized to publish in newspapers, trade journals, geological magazines or in pamphlet form any geological discoveries or results of special interest.

(3) Reports and maps prepared by the survey shall be issued, but a charge shall be made sufficient to cover postage and printing.

(4) Analyses of any minerals or cores may be made by or under the supervision of the Director and State Geologist for any citizen of this state, upon payment in advance of a sufficient sum to cover the cost of the analysis.

(5) All money received from the issuance of reports and maps and the making of anaylses shall be kept apart and reused for the same purposes by the Survey.

Section 8. For the purpose of carrying into effect the provisions of this Act, any appropriation made to the Division of Geology in the Department of Mines and Minerals by the present session of the General Assembly, and any unencumbered balance of appropriations to such Division of Geology for the fiscal year 1945-1946 shall be transferred to and become available to the Kentucky Geological Survey established by this Act.

Section 9. Sections 351.200, 351.210, 351.220 and 351.230 of the Kentucky Revised Statutes of 1942, and any and all inconsistent Acts, are hereby repealed.

Section 10. Whereas there is early need of discoveries and development of the natural resources of the state for purposes of providing employment, and the present provisions of the Statutes seem to be inadequate, an emergency is hereby declared to exist, and this Act shall become effective on its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Amos Runyan
Roy W. Arnold	Clyde S. Howard	J. W. Simmons
F. O. Baker	Maurice Howard	Luther Slusher
F. H. Bassett, Jr.	Jerry F. Howell	Forrest Smith
Jack Bingham	J. J. Huff	W. R. Smith
B. J. Bonn	Ira W. Hulette	E. A. Spencer
J. C. Bradley	Paul Jonas	Ralph G. Stone
B. K. Brantley	Edgar Kitchen	E. L. Thompson
Mrs. Mary Burnett	H. K. Lowman	Ray G. Tipton
Chas. W. Burnley	E. J. Lucas	E. N. Todd
W. K. Coleman	E. H. Martin	Walter L. Trivette
E. R. Denny	W. E. McClure	S. J. Wagner
Adron Doran	Jack McPherron	Harry F. Walters
G. I. Drury	J. Lee Moore	W. W. Webster
Forest C. Easley	Fred Morgan	Geo. J. Weining
R. R. Ernst	Rodes K. Myers	Morris Weintraub
Henry J. Giles	Louis T. Peniston	Lawrence Wells
Tom Gilliam	L. W. Preston	Rodney Whitlow
C. L. Hammonds	Wade H. Riley	John Wilborn

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Those who voted in the negative were—

John Y. Brown	A. L. Love	E. C. Mullins
L. A. Demumbrun	Harry L. Moore	Hobart Rayburn
Eck Embry		

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Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 454. An Act relating to marriage.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 402.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) No marriage shall be contracted between persons who are nearer of kin to each other by consanquinity, whether of the whole or half-blood, than second cousins.

(2) Marriages prohibited by subsection (1) of this section are incestuous and void.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	C. L. Hammonds	Hobart Rayburn
F. O. Baker	Harold G. Helm	Wade H. Riley
Harold L. Barnes	E. R. Hilton	Luther Slusher
F. H. Bassett, Jr.	Clyde S. Howard	Forrest Smith
Jack Bingham	Jerry F. Howell	W. R. Smith
B. J. Bonn	J. J. Huff	E. A. Spencer
B. K. Brantley	Edgar Kitchen	Ralph G. Stone
John Y. Brown	A. L. Love	E. L. Thompson
Mrs. Mary Burnett	H. K. Lowman	Ray G. Tipton
Chas. W. Burnley	E. H. Martin	E. N. Todd
W. K. Coleman	W. E. McClure	S. J. Wagner
L. A. Demumbrun	Jack McPherron	W. W. Webster
E. R. Denny	J. Lee Moore	Geo. J. Weining
Adron Doran	Rodes K. Myers	Lawrence Wells
Forest C. Easley	Louis T. Peniston	Rodney Whitlow
Eck Embry	Sylvester Phillips	John Wilborn
R. R. Ernst	E. F. Prichard	—50

Those who voted in the negative were—

Ott Begley	E. C. Mullins	Amos Runyan

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Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in this House entitled:

H. B. 73. An Act to increase the amount that may be paid as salaries to members of county police force in certain counties.

H. B. 123. An Act relating to unemployment compensation.

H. B. 388. An Act establishing the boundary between the counties of Barren, Hart and Edmonson.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

And that they had passed bills which originated in that body, entitled:

S. B. 148. An Act relating to the compensation of stenographic reports in circuit courts of continuous session.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 28.450 and 28.460 of the Kentucky Revised Statutes (1944 edition) be amended and re-enacted so that said sections, as amended and re-enacted, shall read as follows:

28.450 (1019a-7) Reporters for circuit courts of continuous session in counties having a population of less than

150,000 shall receive for their services in taking stenographic notes a salary of not less than eighteen hundred dollars nor more than two thousand four hundred dollars per annum, and reporters for circuit courts not of continuous session in counties containing a city of the second class shall receive for their services in taking stenographic notes a salary of not less than twelve hundred dollars nor more than two thousand four hundred dollars per annum, to be fixed by the fiscal court and paid in monthly installments by the county. They shall receive for making transcripts for a person other than the county or state fifteen cents per one hundred words; the pages shall average thirty lines each. In civil actions involving less than five hundred dollars they shall receive five dollars per day for taking stenographic notes of said actions and fifteen cents per hundred words for the transcript thereof, which shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as part of the costs of the action. In criminal cases the fee for making transcripts shall be paid by the county in which the court is held when the transcript is made upon the motion of the Commonwealth. If the transcript is made upon motion of the defendant in a criminal case, he shall pay the fee therefor, unless the court directs the reporter to file a transcript upon the motion of a party suing in forma pauperis, in which event the fee shall be paid by the county. For duplicate copies of transcripts, reporters for circuit courts of continuous session in counties having a population of less than 150,000 and circuit courts not of continuous session in counties containing a city of the second class, shall be allowed one-third the amount they are allowed for the original, to be paid for in the same manner as the original.

28.460 (4645a-3; 4645a-4) (1) The fees of reporters of circuit courts, other than courts of continuous session and courts not of continuous session in counties containing a city of the second class, shall be ten dollars per day for taking shorthand notes and twenty cents per hundred words for the original transcript thereof.

(a) In criminal cases the fees shall be paid, upon the order of the presiding judge, by the county in which the court

is situated, if the transcript is ordered for the use of the Commonwealth's Attorney. If the transcript is ordered upon the motion of the defendant, he shall pay for it if, in the opinion of the court, he is able to do so. If it appears that the defendant is not able to pay for the transcript, the court shall direct the same to be paid by the county.

(b) In civil cases the fees shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as part of the costs of the action. The reporter shall not be required to file a transcript in any civil case without payment therefor by the party in whose behalf it is ordered.

(2) For duplicate copies of transcripts reporters of circuit courts, other than courts of continuous session and courts not of continuous session in counties containing a city of the second class, shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner as the original.

S. B. 247. An Act relating to adoption of persons.

Said bill is as follows, viz.:

AN ACT relating to the adoption of persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. As used in this Act, unless the context otherwise requires:

(1) "Child" includes also an adult.

(2) In cases of subsequent adoption the words "father," "mother" and "parent" includes father, mother or parent by adoption.

(3) "Division" means Division of Vital Statistics of Department of Health of the Commonwealth of Kentucky.

(4) "Department" means Department of Welfare of the Commonwealth of Kentucky.

SECTION 2. (1) Any adult who has resided in this State for twelve months next before the filing of a petition may petition for leave to adopt a child. The petition shall be

filed in the Circuit Court of the county of his residence. No petition by a married person shall be granted unless such petitioner's husband or wife joins therein, except when the petitioner is married to the natural father or mother of the child, joinder by the natural father or mother is unnecessary.

(2) Any person of any age may be adopted. After one adoption there may be subsequent adoptions.

(3) No petition for the adoption of any child under the age of sixteen (16) shall be filed until after the child has lived continuously for at least three (3) months immediately prior to the filing of the petition in the home of the petitioner.

(4) Except as otherwise specified in this Act, the following persons shall be made parties defendant to the action if the person to be adopted is under twenty-one (21) years of age:

(a) The child to be adopted;

(b) Its natural living parents if the child is legitimate;

(c) If the child is born out of wedlock, its mother if living, or if she be dead, the child's guardian, if it have one.

(d) If the child has no such living parent or guardian or if no natural parent is known to or ascertainable by petitioner, or if as provided in subsection 2 of Section 5, the natural parents need not be made defendants, the Department shall be made a defendant;

(e) If the care, custody and control of the child has been transferred to the Department or its designated agency or to any charitable institution or association, then such charitable institution or association or Department shall be made a party defendant. If it be alleged in the petition for adoption and proved to the satisfaction of the Court that any child's care, custody and control with consent to adoption has been transferred to the Department, a charitable institution or association by a Court order which is in effect when the petition for adoption is filed, such Department, charitable institution or association shall be deemed to stand in loco parentis to such child and the child's natural parents need not be made parties defendant.

(f) If the mother of an illegitimate child or a minor parent has executed a written consent to adoption or a written relinquishment of parental rights before a Judge of a Circuit

or County Court of the Commonwealth of Kentucky, and such Judge has certified below such consent or relinquishment of parental rights that he has explained the contents of such consent or relinquishment or parental hights to said mother or minor parent before its execution, and that in the opinion of such Judge such mother or minor parent understood the effect thereof, such mother or minor parent need not be made a party defendant.

(5) Each party defendant shall be brought before the Court by personal or constructive service as provided in the Civil Code of Practice for other civil actions, or, if such party defendant be an adult, by such adult defendant's entering his or her appearance. If the child to be adopted is under fourteen (14) years of age and the Department, a charitable institution or association stands in loco parentis to such child, as aforesaid, then services of process upon such child shall be had by serving a copy of the summons in such action upon the person in charge of the Department, charitable institution or association, any provision of Section 52 of the Civil Code of Practice to the contrary notwithstanding.

SECTION 3. (1) The petition for adoption shall be verified by each petitioner.

It shall allege:

(a) The name, date and place of birth, place of residence and mailing address of each petitioner and if married, the date and the place of their marriage;

(b) The name, date and place of birth and the place of residence and mailing address, if known, of the child sought to be adopted.

(c) The relationship, if any, of the child to the petitioners;

(d) The full name by which the child shall be known after adoption;

(e) A full description of the property, if any, of the child, so far as it may be known to the petitioners;

(f) The names of the parents of the child, whether natural or adoptive, and the address of each living parent, if known, provided that if the rights of the natural parents have been terminated by a court of competent jurisdiction, the

names and addresses of parent or parents shall be omitted; further provided that if the child is illegitimate, the name and address of the natural father shall not be given;

(g) The name and address of the guardian of the child;

(h) Any further facts necessary for the location of the person or persons whose consent to the adoption this Act requires, or whom this Act requires to be made parties to or notified of the proceeding;

(i) The circumstances under which the child entered the home of the petitioners and the date of such entry;

(j) If any fact herein required to be alleged is unknown to petitioners, such lack of knowledge must be alleged;

(2) If the care, custody and control of the child has been transferred to the Department or any charitable institution or association by court order, a certified copy of such order shall be filed with the petition;

(3) Any notarized consent or consents except those of the Department to the adoption as required by this Act shall be filed with the petition.

SECTION 4. (1) Upon the filing of the petition for the adoption of any minor child, the petitioner shall file two copies of such petition with the Clerk of the Court, who shall attest said copies and mail them to the Department. The Department of any agency designated by it, upon receiving them from the Clerk and the notice hereinafter mentioned, shall fully investigate and develop all pertinent factors as it deems proper for the purpose of determining the propriety of the adoption as it relates to the child and the petitioners; and the child's own attitude toward the adoption in any case in which the child's age makes it feasible. The findings of the investigation shall be embodied in a written report and shall be submitted to the court three (3) days before the hearing upon the petition and shall be filed with the record of the proceedings and becomes a part thereof. If said written report is not submitted at or prior to the hearing upon the petition, the Court shall extend the time, not to exceed 30 days, for said report to be filed and if said report is not submitted within the extended time, the Court shall forthwith hear said case notwithstanding the report has not been submitted and shall enter judgment.

The child's birth certificate shall be filed as a part of the report where it is possible for the Department to obtain this from the Division. The said report shall contain a full statement of all findings and a recommendation as to whether or not the prayer of the petition should be granted. Said report shall be considered prima facie evidence of the facts therein stated and the recommendations therein contained upon any hearing of the action. Any investigation report made by an agency authorized by the Department shall be submitted to the Department by said agency for its action and referral to the Court.

(2) Upon the filing of a petition for adoption the Clerk of the Court shall appoint a time and place for hearing which shall allow a reasonable time of not less than ninety (90) days for the investigation and filing of the report provided in subsection (1) of this section. The Clerk of the Court shall mail notice of the date of hearing to the Department together with the copies of the petition attested by him.

SECTION 5. (1) Except as otherwise specified in this section, no adoption shall be permitted except upon the notarized consent of the living parent or parents of the child, or of the mother of an illegitimate child, but, if the court finds upon evidence thereof that the parents cannot be located, the consent of the next of kin, guardian or person standing in loco parentis shall be required. The court, however, cannot determine this issue until after a diligent search has been made for the parent or parents over a period of time not less than six (6) months from the date of the initial hearing. Consent cannot be given by the next of kin, guardian or person standing in loco parentis or by the Department, charitable institution or association unless it is determined by the Court that such next of kin, guardian, Department, charitable institution or association or person standing in loco parentis has the legal right to give such consent. If the court finally determines that the child has no living parent, next of kin, statutory guardian or person standing in loco parentis as defined in this Act, consent must be given by the Department before the granting of the petition.

(2) If the court determines that the child is of illegitimate birth notwithstanding that the mother was married at the time of its conception or birth, it is not necessary to obtain the consent of the man to whom said mother was married at the time of said child's conception or birth nor make him a party defendant.

(3) In the case of a child twelve (12) years of age or over, the consent of the child to be adopted shall be given, in writing, in the presence of the trial court.

(4) In the case of an illegitimate child and as provided herein, adoption shall not be permitted without the consent of the Department of Welfare. Unless the Court, upon hearing and a full investigation of the acts, shall determine that it is for the best interest of the child sought to be adopted that a judgment of adotiopn be entered notwithstanding.

(5) If the person to be adopted is twenty-one (21) years of age or over, his or her consent alone shall be necessary and he or she alone shall be made a party defendant.

(6) Where the consent of a minor parent is required, a guardian ad litem for such parent shall be necessary and the consent of the minor parent shall be effective only as concurred in by such guardian ad litem, unless said minor parent shall have executed a consent before the Judge of a Circuit Court of the Commonwealth of Kentucky as hereinbefore provided, in which event a guardian ad litem for such infant shall not be necessary.

(7) The consent of a parent shall not be required if such parent has been adjudged incompetent by reason of mental disability by a court of competent jurisdiction and such judgment shall have been in effect for not less than one (1) year prior to the filing of the petition for adoption and if the court in said adoption proceedings shall appoint a guardian ad litem for such parent who has been adjudged incompetent by reason of mental disability and such guardian ad litem after making a full investigation of the facts pertaining to the adoption files a written report recommending that such adoption be made. In the event that such incompetent parent shall have a committee, then such committee shall perform the acts hereinbefore required of the guardian ad litem and the guardian

ad litem shall not be required to be appointed, but such committee shall be made a party defendant. However, in such cases adoption shall be permitted only on the consent of the Department.

(6) Where a parent is not made a defendant by the provisions of this Act, a guardian ad litem shall be appointed to represent the infant to be adopted and said guardian ad litem shall file a written report with his recommendations.

SECTION 6. The child to be adopted if fourteen (14) years of age or over and the petitioners shall attend the hearing person and said hearing shall be held in chambers. A child under fourteen (14) years of age shall not be required to attend the hearing unless the court so orders.

SECTION 7. (1) The Court shall not enter a judgment of adoption of a minor child unless the Court finds that the petitioners are of good moral character, of reputable standing in the community and of ability to properly maintain and educate the child, that the best interests of the child would be promoted by adoption, and that the child is suitable for adoption.

(2) If after the hearing of the case and the filing of the required consent the Court adjudges that the facts stated in the petition are established, and that all legal requirements relating to adoption have been complied with, it shall enter an order setting forth all jurisdictional facts and adjudging that from and after the date thereof the child shall be deemed the child of the petitioners, for the purposes set forth in Section 9.

(3) In the judgment the name of the child may be changed to conform with the prayer of the petitioners.

(4) If for any reason whatsoever a petition for adoption of a minor child be dismissed or the prayer thereof be denied, the following disposition shall be made of the child:

(a) If the child is, or was prior to the filing of the petition, in the care, custody and control of the Department or any charitable institution or association, then the child shall be returned to the custody of the Department or such institution or association.

(5) Otherwise the Court shall certify the case to the Juvenile Division of the County Court of the County where

the adoption proceeding is pending for appropriate action and disposition. Said County Court shall advise the Department of the pendency of such action.

SECTION 8. Any party to any adoption proceeding who is aggrieved by any final order made therein shall have the same right of appeal to the Court of Appeals of Kentucky as in other equity action.

The appeal of any minor party to such action may be taken in his behalf by a next friend or by any guardian as such minor party may have.

SECTION 9. Any child adopted according to this Chapter shall be considered, for purposes of inheritance and succession and for all other legal considerations, the natural, legitimate child of the parents adopting it. A child adopted under this Chapter shall be freed from all legal obligations of maintenance and obedience to its natural parents, except that where the adopting parent of the child is married to the natural parent of the child, the relation of the child to that natural parent shall not in any way be altered by the adoption and the rights and obligations of the natural parent and the adopting parent to the child shall be the same as if the child were the natural child of both the natural parent and the adopting parent. Nothing herein shall be so construed as to prevent the adopted child from inheriting under the general law in regard to the descent and distribution from its natural parents.

SECTION 10. Any person or parent instrumental in placing, or who assists, aids or abets in placing a child for adoption in a home other than its own without first notifying the Department in writing and having its advice and consent shall be guilty of contributing to the neglect of such child as that offense is defined by the Kentucky Revised Statutes, 1944 Edition, Chapter 199, and punished as therein provided.

SECTION 11. (1) No person, corporation or association shall advertise in any manner that it will receive children for the purpose of adoption nor shall any newspaper published in the Commonwealth of Kentucky nor any other publication which is prepared, sold, or distributed in the Common-

wealth of Kentucky contain an advertisement which solicits children for adoption or solicits the custody of children.

(2) An violation of this Section shall be punishable by fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00), or by confinement in the County Jail for a period of not less than thirty (30) days nor more than twelve (12) months, or by both such fine and imprisonment.

SECTION 12. (1) The files and records of the Court in adoption proceedings shall not be open to inspection by persons other than parties to such proceedings, their attorneys, and representatives of the Department, except upon order of the Court, expressly permitting inspection. No person having charge of any adoption records shall disclose the names of any parties appearing in such records or furnish any copy of any such records, Statistics of such reversal or modification and the effect of same, and thereupon the Division shall make such changes, if any, in its records as may be made necessary by such reversal or modification.

SECTION 13. Nothing in this Act shall be construed to void any proceedings heretofore filed under the law in force and effect prior to the enactment of this Act, and such proceedings may proceed to a final judgment in accordance with the law in force and effect at the time same were filed.

SECTION 14. Sections 405.140, 405.150, 405.160, 405.170, 405.180, 405.190, 405.200, 405.210, 405.220, 405.230, 405.240, subsection 6 of Section 405.990 of Kentucky Revised Statutes, 1944 Edition, are hereby repealed.

Ordered that said bills be printed and referred

To the Committee on Rules.

Mr. Howell of the Committee on Rules, to which the same had been referred, reported bills and resolutions of the following titles, viz.:

H. B. 520. An Act relating to alcoholic beverages.

H. B. 521. An Act relating to insurance agents.

H. B. 522. An Act relating to revenue and taxation, defining the term "business situs" etc.

H. B. 523. An Act relating to police powers in cities of the third class.

H. Res. 113. Resolution authorizing the payment of a claim against the Commonwealth.

H. Res. 114. Resolution for the payment of a claim to Charles Cornett.

S. B. 148. An Act relating to the compensation of stenographers in circuit courts of continuous session.

S. B. 247. An Act relating to the adoption of persons.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Runyon of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz.:

H. Res. 61. Resolution authorizing Fred Raymer and Eldon White to sue the Commonwealth.

H. Res. 53. Resolution authorizing Dan T. Martin to sue the Commonwealth.

H. Res. 50. Resolution authorizing Bart Bloomer to sue the Commonwealth.

H. Res. 49. Resolution authorizing Gilbert Brumley to sue the Commonwealth.

H. Res. 48. Resolution authorizing T. B. Dadisman to sue the Commonwealth.

H. B. 388. An Act recognizing and establishing the boundary line between the counties of Barren, Hart and Edmonson.

H. B. 73. An Act to increase the amounts that may be paid as salaries to members of the county police force in certain counties.

H. B. 123. An Act relating to workmen's compensation.

Thereupon all other business was suspended, said bills and resolutions were read at length and compared in open session and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills and resolutions to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills and resolutions, duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Howell moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MARCH 13, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend E. C. Duckett of the Church of the Nazarene of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson
Roy W. Arnold
F. O. Baker
Harold L. Barnes
F. H. Bassett, Jr.
Ott Begley
W. G. Biggers
Jack Bingham
B. J. Bonn
J. C. Bradley
B. K. Brantley
John Y. Brown
Mrs. Mary Burnett
C. W. Burnley
W. K. Coleman
Fred Creasey
L. A. Demumbrun
E. R. Denny
Adron Doran
G. I. Drury
Forest C. Easley
Bernie S. Edlin
Eck Embry
R. R. Ernst
A. H. Eversole
Henry J. Giles
Tom Gilliam
M. B. Gilligan
Otto W. Goff
R. M. Hall
C. L. Hammonds
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Maurice Howard
Jerry F. Howell
J. J. Huff
Ira W. Hulette
W. H. Hunt
Kerby Jennings
Paul Jonas
L. H. Jones
B. F. Kincaid
G. O. Kirkpatrick
Edgar Kitchen
Homer E. Losey
A. L. Love
H. K. Lowman
E. J. Lucas
F. G. Marquette
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. L. Moore
J. Lee Moore
Fred Morgan
E. C. Mullins
Rodes K. Myers
J. C. Newcomb
Thos. A. Noe
Joe E. Nunn
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
Ralph G. Stone
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
S. J. Wagner
Harry F. Walters
Lyle H. Webb
W. W. Webster
Geo. J. Weining
Morris Weintraub
Lawrence Wells
Rodney Whitlow
John Wilborn
Mr. Speaker

Mr. Howell moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

The Speaker introduced the following to the House, after extending the privilege of the floor, viz.:

Guy E. Weeks, General Secretary, YMCA, Lexington

C. A. Doran, National Secretary, YMCA, New York

B. McCowan, Chairman Blue Grass Council Hi-Y

And made the following announcement, viz.:

This delegation is composed of members of the Blue Grass Hi-Y Council, representing 150 Hi-Y Clubs selected from several thousand high school students. We are here to study the Legislature's set-up with the idea of organizing a model Legislature to which the Hi-Y Clubs will send representatives and senators.

This is part of a National project on the part of the YMCA to conduct a Youth Government training session in every state.

Mr. Myers introduced to the House Machinist Mate 1st class Delbert Sparks of Kentucky who was a prisoner of the Japanese for three years during the war.

Mr. Sparks addressed the House and gave an interesting and graphic account of his experiences.

Mr. Myers moved that the privilege of the floor be extended to Mr. and Mrs. Harry Sparks.

Said motion was agreed to.

Mr. Todd moved that the privilege of the floor be extended to Mrs. E. N. Perry.

Said motion was agreed to.

Mr. Kincaid moved that the privilege of the floor be extended to Mr. Homer C. Thomas.

Said motion was agreed to.

Mr. McClure moved that the privilege of the floor be extended to Mr. Hecht Lackey.

Said motion was agreed to.

At the instance of the Committee on Rules, the following bills were introduced, viz.:

By Mr. Losey.

H. B. 524. An Act making an appropriation to carry out the provisions of KRS 171.050 (5).

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund in the State Treasury, to the Legislative and Law Library of the Department of Library and Archives, for each of the fiscal years 1946-47 and 1947-48, the sum of $5,000.00 to carry out the mandatory provisions of KRS 171.050 (5) requiring the cataloging of the Legislative and Law Library.

By Mrs. Burnett.

H. B. 525. An Act relating to cisterns and wells.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The owner of property on which is located a cistern or well shall maintain over such cistern or well a substantial

covering equipped with a fastening so as to make it reasonably impossible for small children to open the covering.

§ 2. Any person who violates the provisions of section one of this Act shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned in jail for not more than ninety days, or both.

By Messrs. Howell and Denney.

H. B. 526. An Act concerning the State Department of Libraries and Archives.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. DEFINITIONS. As used in Chapter 271 of the Kentucky Revised Statutes, unless the context requires otherwise,

(1) "Department" means the State Department of Library and Archives.

(2) "Librarian" means the State Librarian.

Section 2. KRS 171.010, 1944 edition, is hereby amended to read as follows:

The department shall be administered by a State Librarian appointed by the Governor. He shall be a graduate of an accredited library school and shall have had at least four years library experience in an administrative capacity. The department shall be composed of the Legislative and Law Library, the Library Extension Division and the Kentucky Historical Society.

Section 3. KRS 171.020, 171.030, 171.040 and 171.050 of the Kentucky Revised Statutes, 1944 edition, are repealed.

Section 4. A new section of the Statutes is created, to be numbered KRS 171.015 and to read as follows:

(1) The librarian shall:

(a) Administer the department.

(b) Keep a perpetual, modern and complete card shelf list of material and dictionary card catalogue, including author, title, subject, and cross reference entries.

(c) Take inventory every four years beginning with the year 1947 of all the material belonging to the department and report the inventory of each division to the trustees, committee or board of the division.

(d) Turn over to his successor records of separate inventories that were taken by him under this subsection and records of accessions of materials placed in his department during this term. He shall exercise care that no material be lost from the department during his term of office.

(2) The librarian may:

(a) Receive and obtain from the Federal government grants of funds or materials that may be available to the state.

(b) Exchange with other libraries, whether within the state or not, duplicate copies of any material of consequence not essential to the proper functioning of the department; except, when materials of the Legislative and Law Library are sold or exchanged under the provisions of KRS 171.080, the consent of the trustees of the Legislative and Law Library shall be necessary.

(c) By agreement with other departments and units of the state government arrange to extend to them the services and facilities of the department and establish libraries within those departments and units.

(d) Have photographs and reproductions made of materials that need such preservation or that cannot be obtained by the state as originals.

Section 5. A new section of the Statutes is created to be numbered KRS 171.025 and to read as follows:

(1) Every state department or agency that issues annual, biennial or special reports, bulletins, circulars, manuals or similar material shall furnish the librarian six copies of those publications as issued for reference purposes and for deposit in the department as a part of the archives of the state, but if the librarian so requests, for distribution or exchange purposes, as many as one hundred copies of every

such publication shall be supplied him. The state printer shall furnish all printed copies as soon as issued.

(2) If any state department or agency has more than two copies of any one biennial or special report, bulletin, circular, manual or other material previously issued, it shall, upon request of the librarian, supply the librarian for reference purposes and for deposit in the department as a part of the archives of the state, two or more copies of that publication.

(3) Historical and archival material in the possession of any state department or agency may, upon the request of the librarian and with the consent of the head of that department or agency, and shall, upon the request of the Governor, be deposited and preserved in the department. No material so deposited shall be removed from the department except by the head of the department or agency by which it was deposited, but the librarian may direct the material to be returned to the department or agency whence it came. No state department or agency shall in any way dispose of any historical or archival material without first informing the librarian. The librarian shall examine that material to determine if it is suitable for inclusion in the department.

Section 6. A new section of the Statutes is created, to be numbered KRS 171.035 and to read as follows:

(1) The librarian shall have kept a record in which each item shall be charged to the person taking it from the department, and he shall see that all books are returned when due. Except as provided in paragraph (b) of subsection (2) of KRS 171.015, and in KRS 171.090, 171.100 and 171.140, the librarian shall not dispose of any materials of the department or allow any such material to be disposed of.

(2) No person shall take any material from the department except in compliance with KRS 171.070 and KRS 171.140 or the regulations of the department.

Section 7. A new section of the Statutes is created, to be numbered KRS 171.045 and to read as follows:

(1) Any person who takes any material from the department in violation of KRS 171.035 or who fails to return any material taken from the department by him or who dam-

ages property of the library shall be liable for double the value of the thing taken or double the damage to the property.

(2) The librarian shall in the name of the Commonwealth of Kentucky sue any such person in any court of Franklin County having jurisdiction of the amount involved.

THE LEGISLATIVE AND LAW LIBRARY

Section 8. KRS 171.060, 1944 edition, is hereby amended to read as follows:

An assistant librarian acting under the direction of the librarian shall be director of the division of the Legislative and Law Library, and he shall be a graduate of an accredited law or library school.

Section 9. A new section of the Statutes is created, to be numbered KRS 171.065 and to read as follows:

The judges of the Court of Appeals and the Attorney General shall be trustees of the Legislative and Law Library. They shall see that the librarian and the assistant librarian in charge of the Legislative and Law Library properly discharge the duties of their office in relation to the Legislative and Law Library.

Section 10. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 171.066 and to read as follows:

The assistant librarian in charge of the Legislative and Law Library shall:

(1) Attend to the Legislative and Law Library rooms. During the sessions of the General Assembly he shall keep reading rooms open in the evening when requested.

(2) Preserve, catalogue, arrange and make available for use all the materials in that library.

Section 11. KRS 171.070, 1944 edition, is hereby amended to read as follows:

The Legislative and Law Library shall be a reference library, and any person may use the materials of that library, but only members of the General Assembly when the General Assembly is in session, Judges and Commissioners of the Court of Appeals, the Attorney General, the Governor and

other State Officials may take materials out of that library. Attorneys may take materials to the rooms of the Court of Appeals for use in the argument of cases there pending. The librarian may give or lend material of the Legislative and Law Library under Section 12.

Section 12. KRS 171.080, 1944 edition, is hereby amended to read as follows:

The librarian may with the consent of the trustees of the Legislative and Law Library sell or exchange such duplicate material belonging to that library as he may deem expedient.

Section 13. KRS 171.090, 1944 edition, is hereby amended to read as follows:

The librarian may, when authorized by the trustees of the Legislative and Law Library, give or lend to the library of the University of Kentucky and to the libraries of both white and colored state schools such duplicate material in the Legislative and Law Library as is not essential to the performance of the duties of that library.

Section 14. KRS 171.100, 1944 edition, is hereby amended to read as follows:

The librarian shall arrange with the proper official of each state of the United States and of the United States and its territories for the exchange of acts of the legislature of each state and of Congress and for the exchange of the public decisions of their courts of intermediate or last resort. When an exchange is agreed upon, the librarian shall send to such officer one copy of each of the public decisions of the Court of Appeals of Kentucky and of the acts of the General Assembly as soon as they are ready for distribution. If the acts and reports of those states or of the United States are not promptly sent to the librarian as fast as issued, he shall write for them. The librarian shall keep a record of all books sent and received under this section, which record shall be available for the use of the trustees of the Legislative and Law Library in directing purchases.

Section 15. KRS 171.110, 1944 edition, is hereby amended to read as follows:

The librarian may with the advice and under the direction of the trustees of the Legislative and Law Library expend in the purchase of law books and law materials, literary and miscellaneous works and the maintenance of material already in the Legislative and Law Library such sums as are appropriated for that purpose. The Department of Finance on receipt of a voucher signed by the trustees of the Legislative and Law Library or any three of them shall draw its warrant for the sum so expended.

Section 16. KRS 171.120, 1944 edition, is hereby amended to read as follows:

The librarian shall present to the trustees of the Legislative and Law Library at the end of each fiscal year an annual report of receipts, expenditures and activities and may make recommendations.

Section 17. PENALTIES.

Any person violating any of the provisions of KRS 171.035 shall be fined not less than twenty-five ($25.00) dollars for each offense. Each item of material removed from the library contrary to the provisions of KRS 171.035 shall constitute a separate offense.

Ordered that said bills be printed and referred

To the Committee on Rules.

The House took up for consideration from the Calendar, bills and resolutions entitled:

H. B. 520. An Act relating to alcoholic beverages.

H. B. 521. An Act relating to insurance agents.

H. B. 522. An Act relating to revenue and taxation, defining the term "business situs" etc.

H. B. 523. An Act relating to police powers in cities of the third class.

H. Res. 113. Resolution authorizing the payment of a claim against the Commonwealth.

H. Res. 114. Resolution for the payment of a claim to Charles Cornett.

S. B. 148. An Act relating to the compensation of stenographers in circuit courts of continuous session.

S. B. 247. An Act relating to the adoption of persons.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 115. An Act appropriating money out of the General Expenditure Fund for the fiscal year ending June 30, 1946 supplementing an appropriation for Public Assistance, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1.—There is hereby appropriated out of the General Expenditure Fund in the State Treasury for the fiscal year ending June 30, 1946, the sum of $321,809.00 to supplement the appropriation to the Division of Public Assistance for ordinary expenses of operation and cooperation with the

federal government under the Social Security Act approved August 14, 1935, including adjustments of prior or current year accounts necessary to comply with federal regulations, and for the administration of Old Age Assistance, K. R. S. 205.010 to 205.080, including cost of printing checks for recipients of public assistance programs, and for the administration of the Child Welfare Program and for the administration of the Statutes pertaining to Aid to Dependent Children and to Aid to Blind, as enacted by the General Assembly at the extraordinary session which was begun as of June 12, 1944, as appears in Acts of 1944, at page 491 which supplemental appropriation is required to carry the programs at the present level to the end of the current fiscal year.

Sec. 2.—It being necessary that funds be made available during the current fiscal year for the maintenance of current payments, an emergency is declared, and this bill shall become effective upon its adoption by the General Assembly and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	W. K. Coleman	Tom Gilliam
F. O. Baker	S. J. Daugherty	M. B. Gilligan
Harold L. Barnes	L. A. Demumbrun	Otto W. Goff
F. H. Bassett, Jr.	E. R. Denny	R. M. Hall
Ott Begley	Adron Doran	Harold G. Helm
Jack Bingham	G. I. Drury	E. R. Hilton
B. J. Bonn	Forest C. Easley	Clyde S. Howard
J. C. Bradley	Bernie S. Edlin	Jerry F. Howell
John Y. Brown	Eck Embry	J. J. Huff
Mrs. Mary Burnett	A. H. Eversole	Ira W. Hulette
Chas. W. Burnley	Henry J. Giles	W. H. Hunt

Kerby Jennings	E. C. Mullins	W. R. Smith
Paul Jonas	Rodes K. Myers	E. A. Spencer
L. H. Jones	J. C. Newcomb	Geo. W. Steinford
G. O. Kirkpatrick	Thos. A. Noe	Ralph G. Stone
Edgar Kitchen	Joe E. Nunn	E. L. Thompson
A. L. Love	Louis T. Peniston	Ray G. Tipton
E. J. Lucas	Sylvester Phillips	E. N. Todd
F. G. Marquette	L. W. Preston	Walter L. Trivette
E. H. Martin	E. F. Prichard	S. J. Wagner
W. E. McClure	Hobart Rayburn	Lyle H. Webb
Harry L. Moore	Wade H. Riley	W. W. Webster
J. L. Moore	Kelse H. Risner	Geo. J. Weining
J. Lee Moore	Amos Runyan	Lawrence Wells
Fred Morgan	J. W. Simmons	Rodney Whitlow
Joe T. Morgan	Luther Slusher	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 486. An Act relating to the licensing of motor vehicle operators.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.410 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"Every person except those exempted by KRS 186.420, 186.430 and 186.450, before operating any motor vehicle upon a highway, shall annually procure an operator's license. The license shall cost one dollar, of which ten cents shall be re-

tained by the circuit court clerk as compensation for his services in indexing the record of operator's licenses issued in his county as provided in KRS 186.495, and of which fifteen cents shall be retained by the circuit court clerk to defray expenses of administering KRS 186.400 to 186.640. Ten cents shall be forwarded to the department by the clerk for the purpose of printing necessary forms and the expenses of administering KRS 186.400 to 186.640, and the remaining sixty-five cents and other monies not otherwise distributed, derived from the provisions of KRS 186.400 to 186.640, shall be paid into the State Treasury."

Section 2. Subsection (4) of section 186.430 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"No person whose operator's license or privilege to operate a motor vehicle in this state has been denied, withdrawn, cancelled, suspended or revoked as provided in KRS 186.400 to 186.640 shall operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction during the period of denial, withdrawal, cancellation, suspension or revocation."

Section 3. Section 186.450 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"Any person who, except for his lack of instructions in operating a motor vehicle, would otherwise be qualified to obtain an operator's license may apply for a temporary license and permit. Upon the payment of twenty-five cents, which is to be retained by the clerk, the circuit clerk shall issue the permit, entitling the applicant, while having the permit in his possession and while accompanied by a licensed operator who is actually occupying a seat beside the operator, to drive a motor vehicle upon the highways for not more than sixty days."

Section 4. Section 186.460 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) Except as provided in subsection (3) and (5) of this section, every applicant for an instruction permit or an operator's license shall apply in person to the circuit clerk

of the county in which he resides and make application upon a form furnished by the department. The applicant shall make oath to the circuit clerk as to the truthfulness of the statements contained in the form.

"(2) Every application shall contain the full name, date of birth, sex, race, and resident address of the applicant and briefly describe him. It shall also state whether the applicant has previously been licensed as an operator and if so, when and by what state or country, whether any license has ever been cancelled, suspended, revoked or refused, and if so, the date of and reason for the cancellation, suspension, denial, revocation or refusal, and such other information as may be required.

"(3) Except as provided in subsection (5), any licensed operator whose license has not been suspended or revoked may procure an annual renewal of his license either by applying in person at the office of the circuit court clerk or by sending to the clerk by another person or by mailing his license certificate for the previous year, together with the license fee and a three-cent postage stamp. Upon receipt of any application for renewal by mail, accompanied by the certificate, the fee and the stamp, the circuit court clerk shall issue a new license to such person and forward the license to him by mail.

"(4) No person whose license has been revoked or suspended shall apply for or receive a new license until the expiration of the period for which the license was revoked or suspended irrespective of whether or not the license was revoked or suspended for a period longer than that for which the license was issued.

"(5) The requirement of an application as provided in subsection one of this section may be waived by regulation of the department and a renewal application may be substituted therefor. However, when the department finds that is necessary for the purpose of ascertaining whether each person previously holding a license is still qualified to have a renewal of his license, or that it is necessary for the proper administration of KRS 186.400 to 186.990, the department may by regulation require each applicant during any license

year to appear in person before the circuit clerk and make a complete application on oath."

Section 5. Section 186.470 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) The application of any minor under the age of eighteen for an operator's license or instruction permit shall not be granted unless the application is signed by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of the minor. If the minor has no father, mother or guardian, an operator's license or instruction permit shall not be granted to the minor unless his application is signed by a person willing to assume the obligation imposed by KRS 186.590 upon a person signing the application of a minor. Such a signature need not be required in the case of the renewal of a minor's license but the signature on the original application shall continue to make the parent, guardian or other person liable under the provisions of KRS 186.590 on all renewals of the minor's license until he reaches the age of eighteen unless the license, or any renewal thereof, is cancelled as provided in subsection (2) of this section.

"(2) Any person who has signed the application of a minor for a license may file with the department a verified written request that the license of the minor be cancelled. Thereupon the license of the minor shall be cancelled and the person who signed the application shall be relieved as to subsequent acts of the minor from the liability imposed by subsection (1) of KRS 186.590.

"(3) The department upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for a license shall have the license cancelled and no new license shall be issued to the minor until a new application, signed and verified, is made as required by this section."

Section 6. Section 186.510 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"The licensee shall have his license in his immediate possession at all times when driving a motor vehicle and shall display it upon demand to the circuit clerk or examiner, a

justice of the peace, a peace officer, a member of the State Highway Patrol or a field deputy or inspector of the department. It shall be a defense to any charge under this section if the person so charged produces in court an operator's license, issued to him before his arrest and valid at the time of his arrest."

Section 7. Section 186.560 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) The department shall forthwith revoke the license of any operator of a motor vehicle upon receiving record of his conviction of any of the following offenses:

"(a) Manslaughter resulting from the operation of a motor vehicle.

"(b) Driving a vehicle while under the influence of intoxicating liquor or narcotic drugs.

"(c) Perjury or the making of a false affidavit under KRS 186.400 to 186.640 or any law requiring the registration of motor vehicles or regulating their operation on highways.

"(d) Any felony in the commission of which a motor vehicle is used.

"(e) Conviction or forfeiture of bail upon three charges of reckless driving within the preceding twelve months.

"(f) Conviction of driving a motor vehicle involved in an accident and failing to stop and disclose his identity at the scene of the accident.

"(2) If the person convicted of any offense named in subsection (1) is not the holder of a license, the department shall deny the person so convicted a license for the same period of time as though he had possessed a license which had been revoked. If through an inadvertence the defendant should be issued a license, the department shall forthwith cancel it.

"(3) The department upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of that person is denied or suspended, or revoked, or while his privilege to operate a motor vehicle is withdrawn, shall immediately extend the period of

the first denial, suspension, revocation or withdrawal for an additional like period.

"(4) The revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle under this section shall be for a period of six months, except that, if the same person has had one previous conviction of any offense enumerated in subsection (1) of this section, regardless of whether the person's license was revoked because of the previous conviction, the period of the revocation, denial or withdrawal shall be one year; if the person has had more than one previous conviction of the offenses considered collectively as enumerated in subsection (1) of this section, regardless of whether the person's license was revoked for any previous conviction, the period of revocation, denial or withdrawal shall be for not less than two years."

Section 5. Section 186.570 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) The department or its agent designated in writing for that purpose may deny any person a license or may immediately suspend the license of any person, or, in the case of a nonresident, withdraw the privilege of operating a motor vehicle in this state, with or without hearing, and with or without receiving a record of conviction of that person of a crime, whenever the department has reason to believe that:

"(a) That person has committed any offenses for the conviction of which mandatory revocation of license is provided by KRS 186.560.

"(b) That person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury or serious property damage.

"(c) That person is afflicted with mental or physical infirmities rendering it unsafe for him to drive upon the highways.

"(d) That person is an habitually reckless or negligent driver of a motor vehicle or has committed a serious violation of the motor vehicle laws.

"(e) That person has been issued a license without making proper application for it, as provided in KRS 186.460 and regulations properly issued pursuant to it.

"(f) A person required by KRS 186.480 to take an examination has been issued a license without first having passed the examination.

"(g) That person has been convicted of assault and battery resulting from the operation of a motor vehicle.

"(2) The department may suspend the license of any resident upon receiving notice of the conviction of that person in another state of an offense there which if committed in this state would be grounds for the suspension or revocation of an operator's license. If a person so convicted is not the holder of a Kentucky license, the department shall deny him a license for the same period as if he had possessed a license and license had been suspended. The department may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws, forward a notice of that person's conviction to the proper officer in the state of which the person so convicted is a resident.

"(3) Each license which has been cancelled, suspended or revoked shall be surrendered to and retained by the department. At the end of the period of cancellation, suspension or revocation the license may be returned to the licensee."

Section 9. It shall be the duty of every police or patrol member of the Division of Highway Patrol to take up and deliver to the proper agency any motor vehicle operator's license that has been cancelled, revoked, suspended, denied or withdrawn under the provisions of Chapter 186 or 187 of the Kentucky Revised Statutes. At the written request of the Department of Revenue the chief officer of the Division of Highway Patrol shall cause a member or members of the patrol to do the acts required by this section.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Joe E. Nunn
Roy W. Arnold	Clyde S. Howard	Louis T. Peniston
F. O. Baker	Maurice Howard	Sylvester Phillips
Harold L. Barnes	Jerry F. Howell	L. W. Preston
F. H. Bassett, Jr.	J. J. Huff	E. F. Prichard
Ott Begley	Ira W. Hulette	Hobart Rayburn
W. G. Biggers	W. H. Hunt	Wade H. Riley
Jack Bingham	Kerby Jennings	Kelse H. Risner
J. C. Bradley	Paul Jonas	Amos Runyan
B. K. Brantley	L. H. Jones	J. W. Simmons
John Y. Brown	B. F. Kincaid	Luther Slusher
Mrs. Mary Burnett	G. O. Kirkpatrick	Forrest Smith
Chas. W. Burnley	Edgar Kitchen	W. R. Smith
W. K. Coleman	Homer E. Losey	E. A. Spencer
S. J. Daugherty	A. L. Love	Paul J. Stapleton
L. A. Demumbrun	H. K. Lowman	Geo. W. Steinford
E. R. Denny	E. J. Lucas	E. L. Thompson
Adron Doran	F. G. Marquette	Ray G. Tipton
G. I. Drury	E. H. Martin	E. N. Todd
Forest C. Easley	W. E. McClure	Walter L. Trivette
Eck Embry	Harry L. Moore	Harry F. Walters
R. R. Ernst	J. L. Moore	Lyle H. Webb
Henry J. Giles	J. Lee Moore	W. W. Webster
Tom Gilliam	Fred Morgan	Geo. J. Weining
M. B. Gilligan	E. C. Mullins	Morris Weintraub
Otto W. Goff	Rodes K. Myers	Lawrence Wells
R. M. Hall	J. C. Newcomb	Rodney Whitlow
C. L. Hammonds	Thos. A. Noe	John Wilborn
Harold G. Helm		

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 159. An Act relating to workmen's compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Department of Welfare shall elect coverage under the Workmen's Compensation Law for employes in all institutions under its control and supervision.

Mr. Love offered the following amendment to said bill, viz.:

Amend H. B. 159 by striking on page 1, line 1 the word "shall" and substituting therefor the word "may".

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Denny	Maurice Howard
F. O. Baker	Adron Doran	J. J. Huff
Harold L. Barnes	G. I. Drury	Ira W. Hulette
F. H. Bassett, Jr.	Forest C. Easley	W. H. Hunt
Ott Begley	Bernie S. Edlin	Kerby Jennings
W. G. Biggers	Eck Embry	Paul Jonas
Jack Bingham	Henry J. Giles	B. F. Kincaid
B. J. Bonn	Tom Gilliam	G. O. Kirkpatrick
J. C. Bradley	M. B. Gilligan	Edgar Kitchen
B. K. Brantley	Otto W. Goff	A. L. Love
John Y. Brown	R. M. Hall	H. K. Lowman
Mrs. Mary Burnett	Harold G. Helm	E. J. Lucas
W. K. Coleman	E. R. Hilton	F. G. Marquette
S. J. Daugherty	Clyde S. Howard	E. H. Martin

W. E. McClure	L. W. Preston	Paul J. Stapleton
Harry L. Moore	E. F. Prichard	Geo. W. Steinford
J. Lee Moore	Hobart Rayburn	E. L. Thompson
Fred Morgan	Wade H. Riley	Ray G. Tipton
E. C. Mullins	Kelse H. Risner	E. N. Todd
Rodes K. Myers	Amos Runyan	W. L. Trivette
J. C. Newcomb	J. W. Simmons	Harry F. Walters
Thos. A. Noe	Luther Slusher	Lyle H. Webb
Joe E. Nunn	Forrest Smith	W. W. Webster
Louis T. Peniston	W. R. Smith	Morris Weintraub
Sylvester Phillips	E. A. Spencer	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 491. An Act to provide for the construction and maintenance, in cities of third class of memorials in honor of soldiers, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Memorial Commission — Members — Appointment — Terms — Powers — No Compensation.

The Mayor of any city of the third class in this Commonwealth is hereby authorized and empowered to appoint fifteen (15) persons who shall constitute a memorial commission hereinafter referred to as "Commission." Each such member shall not be less than twenty-five (25) years of age, and shall be a bona fide resident of the county wherein such city is situated. Such appointments shall be subject to the ap-

proval of the Board of Aldermen for such city. Said Commission shall be a body politic and corporate, and shall be known as ———— Memorial Commission;" and in such corporate name said Commission may sue and be sued, contract and be contracted with, adopt a seal, and alter same at pleasure; acquire real and personal property by gift, purchase, or condemnation; and may do all other things which may be reasonable or necessary to effectively carry out the work, and to properly perform the duties, intended or required by this Act. Five of said members shall be appointed for terms of six years each, and their successors shall be appointed for terms of seven years each; five of said members shall be appointed for terms of seven years each, and their successors shall be appointed for terms of seven years each; and five members shall be appointed for terms of eight years each, and their successors shall be appointed for terms of seven years each. If any vacancy occurs in any membership of said Commission under the initial appointment herein authorized to be made by such Mayor, such vacancy shall be filled by like appointment by such Mayor, and subject to the like approval of said Board of Aldermen; and the person appointed to fill any such vacancy, shall serve out the term for which the original appointment was made. At the expiration of the terms of the five members of said Commission appointed by the Mayor to serve terms of six years each, the remaining members of the Commission shall thereupon elect five members to serve for terms of seven years each; and upon the expiration of the terms of the five members appointed by the Mayor to serve for terms of seven years each, the remaining members of the Commission shall thereupon elect five members to serve for terms of seven years each; and upon the expiration of the terms of the five members appointed by the Mayor as aforesaid for terms of eight years each, the remaining members of the Commission shall thereupon elect three members to serve for terms of seven years each, and thereafter, all members of the Commission shall be elected for terms of seven years each; such elections to be made in all cases by the remaining members of the Commission, in manner aforesaid. All vacancies in the terms of such members so elected by the Commission,

shall be filled in like manner by the remaining members of the Commission and the members thus selected shall serve for the remainder of the terms for which they are respectively chosen. The members of said Commission shall serve without compensation, but shall be allowed their necessary expenses in travel when engaged on the business of the Commission.

2. Officers of the Commission.—The said Commission, upon the appointment of its members, shall organize and elect officers. It shall elect a chairman from its members, to serve for the term of one (1) year, and it shall annually thereafter elect a chairman. The Commission may elect a secretary and treasurer, not a member of the Commission, who shall hold the combined office at the pleasure of the Commission, and may receive a salary to be fixed by the Commission, not exceeding fifteen hundred dollars ($1,500.00) per annum to be paid by the Commission. The Commission may elect a Superintendent of Construction. This officer must be a draftsman, experienced in, and familiar with, fireproof construction and the erection of large buildings and their mechanical equipment, and experienced in reading and executing architect's plans and specifications. He shall give his entire attention to the affairs of the Commission, and shall receive as compensation a salary to be fixed and paid by the Commission, not exceeding five thousand dollars ($5,000.00) per annum. He shall serve, and to removable, at the pleasure of the Commission. The commission is also empowered to select such other officers or employes as it may deem necessary to properly carry on the work of the Commission hereunder, to serve at the pleasure of the Commission; and the Commission shall fix the compensation of such additional officers and employes.

3. Further Powers of Commission — Said Commission shall have full power and authority to carry out the purposes of this Act, among which powers shall be the following the enumeration of which shall in no wise be construed as restricting the scope of the general powers conferred on it by this Act, to-wit:

(a) To make all such preliminary investigations, and do all such preliminary work as, in its judgment should pre-

cede the actual construction and equipment of the memorial structures herein named.

(b) To choose an appropriate site for such memorial structures, and the plans fur such structures, as herein provided, and to arrange for and supervise the laying out of the necessary grounds and the construction of the said structures, and the maintenance of said grounds and structures for the purposes of this Act.

(c) To exact from any of its officers or employes, where provision is not otherwise made herein therefor, such surety or idemnity bonds for the appropriate performance of their respective duties as the Commission may deem proper.

(d) To establish and enforce such reasonable rules and regulations for its own govenment and for the construction, supervision, protection, management and conduct of its work and the maintenance of the said memorial structures, and for the cost thereof, as it may deem proper, and the same, to the extent they are not in conflict with law shall have the force of law.

(e) To make and enter into, in its corporate name, any and all contracts, agreements or stipulations, germane to the scope of its duties, or in accordance with the purpose of this Act.

4. Bond of Officers.—The Chairman, Superintendent of Construction and the Secretary and Treasurer of the Commission, shall each give bond with corporate surety, in such sum as may be fixed by the Commission; which bond shall be payable to the Commission, and shall oblige the makers thereof to faithfully perform the duties of their several officers, and to faithfully account for, and pay over, all money or other things of value which may come into their several hands. The premiums for said bond shall be paid by the Commission.

5. What shall Constitute the Memorial.—The said Commission is hereby empowered and directed, when the funds herein provided for are rendered available, to acquire suitable grounds for the construction of, and to construct, and to cause to be constructed thereon, an adequate and appropriate building or buildings and statuary and works of

memorial art, to commemorate the valorous and patriotic deeds and service of the soldiers and sailors of the city and county wherein such Commission shall act, who were engaged in the army and navy of the United State during World War No. 1, and present world conflict known as World War No. 2. Said memorial shall be permanent in character, and shall take the form of a building, or buildings, with halls and auditoriums ample for both large and small assemblages, conventions, large theatrical, musical, basketball games and other sports and entertainments, and with suitable offices, rooms and equipment to properly maintain and operate such building, or buildings, and, also, appropriate statuary and works of memorial art, and all grounds necessary or appropriate for such purposes, all of which grounds, buildings, statuary and works of art, shall for the purposes of this Act, be embraced by the term "memorial". The said Commission may maintain in said memorial such flags, insignia, mementoes, records, and archives of the said war, or of historical significance in connection therewith, as may fittingly exemplify or illustrate the patriotic service rendered the United States in said war by the aforesaid soldiers and sailors, as well as by the citizens and residents of such city and county who were not engaged in the military or naval service of the United States during said war. Said memorial, and all property acquired by said Commission, shall belong to said city.

6. Investigation—Plans.—The purpose of this Act being to provide for the construction, equipment, and maintenance of such memorial, it shall be the duty of the Commission to make, and to cause to be made, such investigation as may be necessary to enable it to determine the best plans for erecting, acquiring and furnishing such memorial. The Commission shall have the power to employ an architect or architects to submit plans for the construction and equipment of such memorial, and to attend to the carrying out of the same, and to pay reasonable compensation therefor.

7. Report and Approval of Plans.—When the Commission shall have determined upon the general plans for the construction and equipment of said memorial, a full report of such plans, together with a statement of the probable cost

of carrying out such plans, shall be submitted by the Commission to the aforesaid Mayor, for the records of the city.

8. Bids for Work.—All work to be done, or supplies or materials to be purchased, in carrying out the purposes of this Act, when involving an expenditure of five hundred dollars ($500.00) or more, shall be, by contract, awarded to the lowest and best bidder, but the Commission shall have the right to reject any bid; and it is also empowered to do any part or parts of such work, under such conditions as it may prescribe, by day labor, or by other non-contract method whenever the superintendent of construction, in writing, shall recommend that course, or whenever, in its judgment, this is the best method to pursue. This section shall not be construed, however, as limiting the power of the Commission in the employment of architects, employes, clerks, or agents, as in this Act provided.

9. Report of Completion of Memorial.—After the aforesaid memorial is completed and duly equipped, the Commission shall report such fact to the Mayor who shall thereupon transmit said report to the general council of such city, and the general council, by appropriate ordinance or resolution, shall, so soon as it is satisfied that said memorial is satisfactorily completed and ready for use as intended by this Act, formally declare such fact, and upon said ordinance or resolution being approved by the Mayor, or otherwise becoming effective as provided by law, it shall thenceforth be the duty of the general council to annually make the tax levy for the maintence of the aforesaid memorial structures to the extent, and as, in this act provided.

10. Tax for Maintenance.—For the purpose of providing necessary funds for maintaing such memorial and for carrying on the work of the Commission after such memorial is completed, the general council of such city is empowered and directed to annually levy and collect a tax not exceeding five cents (5c) on each one hundred dollars ($100.00) worth of taxable property in such city as determined by the last regular assessment of such city, and the taxes so levied shall be collected in the customary way and shall be paid over to said Commission for the purpose named in this section; pro-

vided, however, that if it shall appear from the report or statement of the Commission that funds received by gift or from earnings of the memorial, available for maintenance of the memorial for any fiscal year, are fully adequate therefor after deductions therefrom are made as herein provided, the said tax levy for such year may be withheld by the general council.

11. Limit of Maintenance Expenditure.—Except with the approval of such general council the Commission shall not incur, for the maintenance purposes of the memorial, or permit the incurrance of, any liability or expense, exceeding the total funds derived, or to be derived, for any fiscal year, through the levying and collection, for such purpose, of the aforesaid taxes for such year, supplemented by income from the memorial, and by any gift or donations in money, or property reduced to money, which may be made to the Commission for maintenance purposes.

12. Fiscal Year — Financial Reports — Depreciation Fund. — The fiscal year for the Commission shall be the same as the calendar year. After the completion of the said memorial structures and after acceptance of such fact is duly made by the general council as herein provided for, it shall be the duty of the Commission thereafter, during the month of December, of each year, to prepare and certify to the Mayor of such city, to be by him transmitted to the general council of such city, a statement showing the total funds which, in the judgment of the Commission, will be needed for the purposes of maintaining the memorial for the ensuing fiscal year, and setting forth in detail the sums needed for the different classes of such expenditures; and setting forth, also, the estimated balance, if any, which will be on hand on the first of January following the certification of said statement and available for expenditure during said ensuing fiscal year for maintenance purposes, also, indicating, as nearly as possible, what, if any, additional funds or assets other than such as may be derived from the levy and collection of taxes, as aforesaid, for maintenance purposes for said ensuing fiscal year, will become available during such year for such expenditure. The general council in making the levy of the tax for maintenance purposes shall take into consideration the

amount of funds which may be held or derived by the Commission on account of gifts or donations to the Commission for maintenance purposes. The Commission shall have the right to set aside and retain from year to year out of the maintenance funds derived by gift or taxation, or both, as herein provided for, a reasonable fund to be known as an "improvement and replacement fund," to cover needed improvements, replacements and equipment for, and depreciation of, the memorial; said funds to be placed at interest in a bank, or banks, of such city, or invested in United States Government interest-bearing bonds, or in any interest-bearing bonds of such city, or of any of its instrumentalities. The amount each year for such purposes thus set aside shall be held and used as occasion may require, as a further memorial building and improvement fund to improve and further equip said memorial, and in case of destruction of said memorial, or any portion thereof by fire or wind or other casualty, or decay, for replacement purposes; provided, however, that the costs of ordinary repairs shall be paid for out of maintenance funds.

13. Further reports — System of Accounts — Examinations. — Within sixty (60) days after the close of each fiscal year the Commission shall make a full, detailed report to the Mayor of such city, showing all the financial operations of the Commission during the previous fiscal year; showing also, the general scope of the operations of the Commission and of the memorial during the previous fiscal year; showing also, the general scope of the operations of the Commission and of the memorial during the preceding fiscal year, which report shall be transmitted by the Mayor to the general council of such city. The Commission shall adopt and maintain an up to date and efficient system of accounting, covering all of its fiscal work and that on the memorial. The Mayor of such city may cause to be examined at any time such accounts and records, and report of such examinations shall be made to the Mayor. The Mayor and the general council may call upon the Commission at any time for any information or report concerning the fiscal or other operations of the Commission.

14. Use of Memorial — Income. — The Commission is hereby empowered to use, and to permit the use of the said memorial, and the grounds, auditoriums, halls, offices, and room thereof, for conventions, theatrical and musical performances, public entertainments, sports, games and other meetings or assemblages, and to make and collect reasonable charges therefor, except where such use is for memorial or other purposes of such a distinct civic character or purely public benefit as shall, within the discretion of the Commission, render any charge for such use undesirable, and all revenues thus derived shall be held and used by the Commission to the extent that some may be necessary to maintain and operate such memorial structures, and to provide for the replacement and improvement fund.

15. Gifts and Donations. — The Commission is hereby empowered within its discretion, to accept any gifts or donations of real estate or funds, securities or other property of any other description, for any of the purposes of this Act, any such gift or donation to be accompanied by a suitable instrument, executed by the donor or donors, setting forth the pursoses of which such gift or donation is made, and such gift or donation, or the proceeds thereof when reduced to money, if not already in money, shall be used by the Commission only for the purpose for which donated or given. All such gifts or donations, shall be reduced to money, or to high class interest bearing securities acceptable to the Commission; and thereupon such funds or securities shall be placed in some solvent bank or banks, or trust company or trust companies, in such city, to be agreed upon by the Commission, and be held by such banks or trust companies until sufficient funds are available for the purposes of this Act. Such funds or securities shall constitute assets of the Commission for expenditure in accordance with the terms of such gifts or donations agreeable to the provisions of this Act.

16. Tax for Construction.—In order to provide part of money for the construction and equipment of said memorial, the general council of such city is empowered and directed to annually levy and collect a tax not exceeding ten cents (10c) on each one hundred dollars ($100.00) worth of taxable prop-

erty in such city, as determined by the last regular assessment of such city, and the tax so levied, shall be collected in the customary way, and shall be paid over to said Commission for the purposes, except that such tax, shall not be levied or collected for construction purposes, after the report of the Mayor of the completion of the said memorial as provided in section 9 in this Act.

17. Use of Funds Derived Through Bonds or Gifts.—All of the funds realized from the aforesaid tax, together with the aforesaid gifts or donations or funds, shall be expended by the Commission for the acquirement of necessary grounds and for the construction and equipment of said memorial, as provided for in this act; and the title to all such property, however acquired, shall vest in said Commission, and shall be held and used in strict and inviolable trust for the purpose contemplated by this act, and free from all taxation, impost or assessment—state, county, district, municipal, or otherwise. The Commission shall have the right to exchange or sell, for the purposes of this act, any of the property donated or given to it for such purposes.

18. Partial Repeal of Section——, Kentucky Statutes.—Section —— Kentucky Statutes, vesting in the Board of Public Works of cities of the third class, supervision and control over the construction of all public buildings and public improvements, shall, to the extent that same conflicts with this act, stand repealed, but to no further extent.

19. Legal Services.—All legal services or advice required by said Commission shall be rendered by the city attorney of such city, and his assistants, without additional compensation to them therefor.

20. Repealing Clause.—All acts or parts of acts in conflict or inconsistent herewith are hereby repealed.

21. Invalidation of Any Provision—Effect.—If any section, paragraph, clause or separable provision of this act shall be held to be invalid such fact shall not affect or render invalid any other section, paragraph, clause or separable provision of the act, it being the intention of the General Assembly in enacting this act to enact each section, paragraph, clause, and provision separately.

22. Liberal Construction of Act.—This act, and all and each of its various sections and provisions, shall be liberally construed in favor of the purposes of the act.

23. Emergency Clause.—Because of the fact that in Henderson, a city of the third class, there are ready to be made to the Commission which may, under provisions of this act be created for said city, substantial gifts and donations, and for the further reason that it is very important that in said city, the provisions of this act become effective at the earliest possible moment in order to carry forward successfully the work of the Commission hereunder, an emergency is hereby declared to exist, and this act shall take effect on and after its approval by the Governor.

Mr. McClure offered the following amendments to said bill, viz.:

1. Amend H. B. 491 by inserting the figure "94.110" in the blank appearing in each of the blanks appearing in lines 1 and 2 of Section 18 on page 12.

2. Amend H. B. 491 by substituting the words "city legislative body" in place of the words "Board of Aldermen" in lines 9 and 26 of Section 1, and in place of the words "General Council" in the following places:

Lines 4 and 9 of Sec. 9
Lines 3 and 4 of Sec. 10
Line 14 of Sec. 10
Line 2 of Sec. 11
Line 4 of Sec. 12
Line 7 of Sec. 12
Line 19 of Sec. 12
Line 9 of Sec. 13
Line 14 of Sec. 13
Line 2 of Sec. 16

3. Amend H. B. 491 on page 3, section 1, line 38 by striking the word "three" and inserting inn lieu thereof the word "five"

4. Amend H. B. 491 on page 4, sec. 2, line 16 by striking the word "to" and inserting the word "be" in lieu thereof.

5. Amend H. B. 491 on page 10, sec. 1, line 6 by striking the word "of" and inserting in lieu thereof the word "for."

Said amendments were each and severally agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Tom Gilliam	Louis T. Peniston
F. O. Baker	Otto W. Goff	Sylvester Phillips
Harold L. Barnes	R. M. Hall	L. W. Preston
F. H. Bassett, Jr.	C. L. Hammonds	E. F. Prichard
Ott Begley	Harold G. Helm	Hobart Rayburn
W. G. Biggers	E. R. Hilton	Wade H. Riley
Jack Bingham	Maurice Howard	Kelse H. Risner
B. J. Bonn	Ira W. Hulette	Amos Runyan
J. C. Bradley	W. H. Hunt	J. W. Simmons
B. K. Brantley	Kerby Jennings	Luther Slusher
John Y. Brown	A. L. Love	Forrest Smith
Mrs. Mary Burnett	H. K. Lowman	W. R. Smith
Chas. W. Burnley	E. J. Lucas	E. A. Spencer
W. K. Coleman	E. H. Martin	Geo. W. Steinford
Fred Creasey	W. E. McClure	E. L. Thompson
S. J. Daugherty	Jack McPherron	Ray G. Tipton
L. A. Demumbrun	Harry L. Moore	E. N. Todd
Adron Doran	J. L. Moore	Walter L. Trivette
G. I. Drury	J. Lee Moore	Harry F. Walters
Forest C. Easley	Fred Morgan	W. W. Webster
Bernie S. Edlin	Joe T. Morgan	Morris Weintraub
Eck Embry	E. C. Mullins	Rodney Whitlow
A. H. Eversole	J. C. Newcomb	John Wilborn
Henry J. Giles	Joe E. Nunn	—71

Mr. McClure offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 491 by inserting the numerals "94.110" in blank in title.

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. McClure moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 462. An Act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The introductory paragraph and subsection (5) of section 242.010 of the Kentucky Revised Statutes are amended to read as follows:

As used in this chapter, unless the context requires otherwise:

* * *

(5) "Territory" means a county.

§ 2. Section 242.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The date of the election may be stated in the petition for election. If the date is not stated, it shall be designated by the county court.

(2) The election shall be held not earlier than sixty nor later than ninety days after the date the petition is filed with the county clerk.

(3) The election shall not be held on the same day that a primary or general election is held in the territory or any part of the territory, nor within thirty days next preceding or following a regular political election.

(4) No election shall be held in the same territory sooner than two years from the time of a previous election.

§ 3. Section 242.040 of the Kentucky Revised Statutes is amended to read as follows:

Within five days after the county court orders an election, the county clerk shall give to the sheriff a certified copy of the order. The sheriff shall have the order published for at least two weeks before the election in a weekly or daily newspaper published in the county. The sheriff shall also advertise the order by written or printed handbills posted at not less than five conspicuous places in each precinct of the county for two weeks before the election. If no daily or weekly newspaper is published in the county, or the proprietor of the newspaper fails to publish the advertisement, the printed or written handbills posted as provided in this section shall be sufficient. The sheriff shall report in writing to the county court that the notices have been published and posted.

§ 4. Section 242.050 of the Kentucky Revised Statutes is amended to read as follows:

The proposition to be voted upon shall be stated on the ballot without emblems and two spaces shall be left upon the right side of the ballot, one for votes favoring the proposition, to be designated by the word "Yes," and one for votes opposing it, to be designated by the word "No." The voter shall designate his vote by a cross mark placed opposite the word "Yes" or the word "No." In any election the form of the proposition shall be, "Are you in favor of the sale of alcoholic beverages in [name of county]?"

§ 5. Section 342.210 of the Kentucky Revised Statutes is amended to read as follows:

When an election is held in a territory, and the majority of the votes cast at the election are for prohibition, KRS 242.210 to 242.430 shall be applicable to every portion of the territory. When an election is held in a territory, and the

majority of the votes cast at the election are against prohibition, KRS 242.210 to 242.430 shall not be applicable in any portion of the territory.

Mr. Coleman offered the following amendment by way of Substitute to said bill, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The introductory paragraph and subsection (5) of section 242.010 of the Kentucky Revised Statutes are amended to read as follows:

As used in this chapter, unless the context requires otherwise:

* * *

(5) "Territory" means a county, or city of the first, second, third or fourth class.

§ 2. Section 242.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The date of the election may be stated in the petition for election. If the date is not stated it shall be designated by the county court.

(2) The election shall not be held earlier than sixty nor later than ninety days after the date the petition is filed with the county clerk.

(3) The election shall not be held on the same day that a primary or general election is held in the territory or any part of the territory, nor within thirty days next preceding or following a regular political election.

(4) No election shall be held in the same territory sooner than two years from the time of a previous election.

§ 3. Section 242.040 of the Kentucky Revised Statutes is amended to read as follows:

Within five days after the county court orders an election, the county clerk shall give to the sheriff a certified copy of the order. The sheriff shall have the order published for at least two weeks before the election in a weekly or daily news paper published in the county. When the election is ordered for the entire county, the sheriff shall also advertise

the order by written or printed handbills posted at not less than five conspicuous places in each precinct of the county for two weeks before the election, and, when the election is ordered for a city of the first four classes, at least five conspicuous places in each precinct in the city for the same length of time. If no daily or weekly newspaper is published in the county, or the proprietor of the newspaper fails to publish the advertisement, the printed or written handbills posted as provided in this section shall be sufficient. The sheriff shall report in writing to the county court that the notices have been published and posted.

§ 4. Section 242.050 of the Kentucky Revised Statutes is amended to read as follows:

The proposition to be voted upon shall be stated on the ballot without emblems and two spaces shall be left upon the right side of the ballot, one for votes favoring the proposition, to be designated by the word "Yes," and one for votes opposing it, to be designated by the word "No." The voter shall designate his vote by a cross mark placed opposite the word "Yes" or the word "No." In any election the form of the proposition shall be ,"Are you in favor of the sale of alcoholic beverages in [name of county or city]?"

§ 5. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 242.125 and to read as follows:

(1) In any county in which the provisions of KRS 242.-220 to 242.430 are applicable by reason of an election for the entire county having heretofore resulted in favor of prohibition, an election may be held in any city of the first four classes in such county to take the sense of the people of such city as to the discontinuance of prohibition in such city, "provided, however, that no such election may be held in any such city sooner than three years from the date of the county-wide election at which the provisions of KRS 242.220 to 242.-430 were made applicable to the county, unless, at such county-wide election, a majority of the votes cast by the voters in said city was against prohibition." For this purpose, the election in such city shall not be deemed to be an election in the "same territory" as that in which the county-wide election was held, within the meaning of subsection (4)

of KRS 242.030. If, at such election for such a city, the majority of the votes cast are against prohibition, the vote shall make KRS 242.220 to 242.430 inapplicable to the entire city.

(2) In any election hereafter held for an entire county, for the purpose of taking the sense of the voters as to the application of KRS 242.220 to 242.430 in such county, the voters within each city of the first four classes in such county shall be furnished a ballot upon which the question shall be, "Are you in favor of the sale of alcoholic beverages in [name of city]?" (Provided, however, that no ballot shall be furnished to the voters of any city of such a class if, less than two years prior to the date of the proposed county-wide election, a city-wide election was held in such city at which a majority of the votes cast were against prohi bition. The status of such a city shall not be affected by the result of the county-wide election.) The voters outside of the cities of such classes shall be furnished a ballot upon which the question shall be, "Are you in favor of the sale of alcoholic beverages in [name of county], outside of the corporate limits of the cities of the first four classes?" The ballots of each such city shall be separately tabulated, and the ballots of the voters outside such cities shall be separately tabulated. If the majority of votes cast in any such city are for prohibition, KRS 242.220 to 242.430 shall apply to the entire city. If the majority of votes cast in any such city are against prohibition, KRS 242.220 to 242.430 shall be inapplicable to the entire city. If the majority of votes cast in the county outside of such cities of the first four classes are for prohibition, KRS 242.220 to 242.430 shall apply to all of the county outside of such cities. If the majority of the votes cast in the county outside of such cities are against prohibition, KRS 242.220 to 242.430 shall be inapplicable to all of the county outside of such cities.

(3) If, in any city-wide election hereafter held in a city of the first four classes for the purpose of taking the sense of the voters as to the adoption or discontinuance of the application of KRS 242.220 to 242.430 to such city, other than an election coming within the provisions of subsection (1) or (2) of this section, the majority of the votes cast are

for prohibition, KRS 242.220 to 242.430 shall apply to every portion of the city. If, in any such city-wide election, the majority of the votes cast are against prohibition, KRS 242.-220 to 242.430 shall be inapplicable to the entire city.

(4) In the case of any city located in more than one county, the portion of such city located in each county shall, for the purpose of any election under KRS Chapter 242, be deemed to be a city of the class to which the entire city belongs, of such county, and the status of the portion of the city in each county, with respect to the application of KRS 242.220 to 242.430, shall be governed by the elections held within such portion, as provided in this section.

§ 6. Section 242.210 of the Kentucky Revised Statutes is repealed.

§ 7. In any county in which, at the time this Act takes effect, any district, precinct or city is dry territory by virtue of a local option election held prior to the effective date of this Act, such district, precinct or city shall remain dry territory until:

(1) In the case of such dry territory consists of entire city of the first four classes, an election is held for such city, under KRS 242.125, at which a majority of the votes cast is against prohibition.

(2) In the case such dry territory consists of a precinct within a city of the first four classes, an election is held for such city, under KRS 242.125, at which a majority of the votes cast is against prohibition.

(3) In the case such dry territory consist of a city smaller than the fourth class, or a precinct in such city, or a district or precinct outside the corporate limits of any city, an election is held for the portion of the county outside the corporate limits of cities of the first four classes, under KRS 242.125, at which a majority of the votes cast is against prohibition.

Mr. Love raised the point of order that the substitute as offered by Mr. Coleman was not in order inasmuch as the subject matter was the same as that contained in H. B. 238 which has already been considered and disposed of by this House.

The Speaker ruled that the point or order as raised by Mr. Love was well taken.

Thereupon, Mr. Prichard sent to the Clerk's Desk, the following petition signed by fifty-three members of the House, viz.:

We, the following members of the House of Representatives, hereby petition the Speaker of the House to reverse his ruling that the subject matter to substitute for H. B. 462, has been considered by the House and cannot be brought up again this session.

In the event the Speaker of the House refuses to reverse his decision, we the following members, constituting a constitutional majority of the House, claim and contend that the substitute for H. B. 462, be an entirely different bill in subject and respectfully appeal from the decision of the Chair.

Paul Jonas
A. H. Calvert
W. G. Biggers
Wade H. Riley
Rodes K. Myers
Ralph G. Stone
Rodney Whitlow
T. A. Gilliam
S. J. Wagner
Edgar Kitchen
F. C. Easley
S. J. Daugherty
Ed Marcum
Ira Hulette
Harry L. Moore
Otto W. Goff
Hobart Rayburn
Jack Bingham
Joe T. Morgan
C. L. Hammonds
A. H. Eversole
M. G. Howard
Luther Slusher
C. W. Anderson
B. K. Brantley
George Steinford
G. O. Kirkpatrick
B. J. Bonn
Walter Coleman
Michael Gilligan
George Weining
Fred Morgan
Harry Walters
Amos Runyan
R. M. Hall
Jack McPherron
J. W. Simmons
Mary E. Burnett
C. W. Burnley
Kerby Jennings
Walter Trivette
Morris Weintraub
G. I. Drury
F. O. Baker
J. Lee Moore
E. F. Prichard
Paul Stapleton
E. H. Martin
Ray Tipton
J. C. Newcomb
T. A. Noe, Jr.
B. F. Kincaid

Thereupon the Speaker announced that he would vacate the Chair and would entertain a motion to designate as Speaker pro tem, any member whose signature appeared on the petition.

Mr. Prichard moved that Mr. Myers be named Speaker pro tem.

Said motion was agreed to.

Thereupon the Speaker vacated the Chair and Mr. Myers took the Chair and presided as Speaker pro tem.

Mr. Prichard raised the point of order that the subject matter contained in the substitute for H. B. 462 as offered by Mr. Coleman was not the same as the subject matter of H. B. 238 previously considered and disposed of by the House.

The Speaker pro tem ruled that the point of order as raised by Mr. Prichard was well taken, and held the consideration of the substitute in order.

Said Substitute was then agreed to.

Mr. Coleman moved the Previous Question.

Thereupon the Speaker pro tem announced "Shall the Main Question be now put?"

Which was decided in the negative.

Mr. Losey offered the following amendment to the substitute, viz.:

Amend the Substitute to H. B. 462 on page 3, section 5, subsec. 2, line 6-17 by striking out the word "four and inserting in lieu thereof the word "three."

The Speaker pro tem ruled said amendment was not in order inasmuch as the substitute had been adopted and was not open for amendments.

Mr. Hammonds moved the Previous Question.

Thereupon the Speaker pro tem announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	Joe T. Morgan
W. G. Biggers	C. L. Hammonds	Rodes K. Myers
Jack Bingham	Jerry F. Howell	J. C. Newcomb
B. J. Bonn	Ira W. Hulette	E. F. Prichard
B. K. Brantley	Kerby Jennings	Hobart Rayburn
John Y. Brown	Paul Jonas	Wade H. Riley
Mrs. Mary Burnett	B. F. Kincaid	Luther Slusher
Chas. W. Burnley	Edgar Kitchen	Paul J. Stapleton
W. K. Coleman	Ed Marcum	Geo. W. Steinford
Fred Creasey	E. H. Martin	Ralph G. Stone
G. I. Drury	Jack McPherron	S. J. Wagner
Tom Gilliam	Harry L. Moore	Geo. J. Weining
M. B. Gilligan	Fred Morgan	Rodney Whitlow
Otto W. Goff		

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Those who voted in the negative were—

Roy W. Arnold	Bernie S. Edlin	Homer E. Losey
F. O. Baker	Eck Embry	A. L. Love
Harold L. Barnes	R. R. Ernst	H. K. Lowman
F. H. Bassett, Jr.	Henry J. Giles	E. J. Lucas
Ott Begley	Harold G. Helm	F. G. Marquette
J. C. Bradley	E. R. Hilton	J. Lee Moore
S. J. Daugherty	Clyde S. Howard	E. C. Mullins
L. A. Demumbrun	Maurice Howard	Joe E. Nunn
E. R. Denny	J. J. Huff	Louis T. Peniston
Adron Doran	W. H. Hunt	Sylvester Phillips
Forest C. Easley	L. H. Jones	L. W. Preston

Kelse H. Risner	E. L. Thompson	Morris Weintraub
J. W. Simmons	E. N. Todd	Lawrence Wells
Forrest Smith	Walter L. Trivette	John Wilborn
W. R. Smith	Harry F. Walters	Mr. Speaker
E. A. Spencer	W. W. Webster	—47

Mr. Weintraub moved that the vote by which said bill was rejected be reconsidered.

Mr. Denny moved that the motion as made by Mr. Weintraub be laid on the table.

Said last named motion was agreed to.

The yeas and nays being required thereon by Messrs. Prichard and Weintraub, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Harold G. Helm	Sylvester Phillips
F. O. Baker	E. R. Hilton	Kelse H. Risner
Harold L. Barnes	Clyde S. Howard	W. R. Smith
F. H. Bassett, Jr.	J. J. Huff	E. A. Spencer
Ott Begley	W. H. Hunt	E. L. Thompson
J. C. Bradley	L. H. Jones	Ray G. Tipton
S. J. Daugherty	Homer E. Losey	E. N. Todd
L. A. Demumbrun	H. K. Lowman	Walter L. Trivette
E. R. Denny	E. J. Lucas	Harry F. Walters
Adron Doran	F. G. Marquette	W. W. Webster
Forest C. Easley	J. Lee Moore	Lawrence Wells
Bernie S. Edlin	E. C. Mullins	Rodney Whitlow
Eck Embry	Joe E. Nunn	John Wilborn
R. R. Ernst	Louis T. Peniston	Mr. Speaker
Henry J. Giles		—43

Those who voted in the negative were—

C. W. Anderson	Mrs. Mary Burnett	Otto W. Goff
W. G. Biggers	Chas. W. Burnley	R. M. Hall
Jack Bingham	W. K. Coleman	C. L. Hammonds
B. J. Bonn	G. I. Drury	Maurice Howard
B. K. Brantley	Tom Gilliam	Jerry F. Howell
John Y. Brown	M. B. Gilligan	Ira W. Hulette

Kerby Jennings	Harry L. Moore	Wade H. Riley
Paul Jonas	Fred Morgan	Forrest Smith
B. F. Kincaid	Joe T. Morgan	Paul J. Stapleton
Edgar Kitchen	Rodes K. Myers	Geo. W. Steinford
A. L. Love	J. C. Newcomb	Ralph G. Stone
Ed Marcum	Thos. A. Noe	S. J. Wagner
E. H. Martin	E. F. Prichard	Geo. J. Weining
Jack McPherron	Hobart Rayburn	Morris Weintraub

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Thereupon the Speaker resumed the Chair.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 352. An Act relating to deputy Clerks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 28.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) In each county containing a population of 75,000 or more, the number of deputies allowed to circuit clerks and county clerks, and the compensation allowed to each deputy, shall be fixed, as provided in subsections (2), (3), (4) and (5) of this section, by an order entered upon the order book of the circuit court and county court, and signed by a majority of the judges of said courts. A certified copy of the order, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the Department of Finance.

(2) (a) In counties containing a population of 75,000 or more and up to 90,000, the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount not exceeding $2,500 per annum, and the salaries of the other deputy circuit clerks shall be fixed at a reasonable amount not exceeding $2,000 per annum.

(b) In counties containing a population of 90,000 or more and up to 200,000, the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount not exceed-

ing $3,000 per annum, and the salaries of the first two deputy circuit court clerks shall be fixed at reasonable amounts not to exceed $2,500 per annum. The salaries of the other deputy circuit court clerks shall be fixed at reasonable amounts not to exceed $2,000 per annum.

(c) In counties having a population of 200,000 or over the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount not exceeding $3,000 a year, and the salary of one deputy circuit court clerk who shall act as cashier shall be fixed at a reasonable amount not exceeding $2,500 a year, and the salary of each of the other deputies in the office of the circuit court clerk shall be fixed at a reasonable amount not exceeding $2,000 a year.

(3) In counties containing a population of 75,000 or more and up to 90,000, the salaries of the first four deputy county clerks shall be fixed at reasonable amounts, which need not be the same, and none of which shall exceed $2,500 per annum. The salaries of each of the other deputy county clerks in such counties shall be fixed at a reasonable amount not exceeding $2,000 per annum.

(4) In counties containing a population of 90,000 or more and up to 200,000, the salary of the chief deputy county court clerk shall be fixed at a reasonable amount not exceeding $3,600 per annum and the salaries of the next four deputy county court clerks shall be fixed at reasonable amounts, which need not be the same, and none which shall exceed $3,000 per annum. The salaries of each of the other deputy county court clerks in such counties shall be fixed at a reasonable amount not exceeding $2,400 per annum.

(5) In counties having a population of 200,000 or over the salaries of the first four deputy county clerks shall be fixed at a reasonable amount not exceeding $3,000 a year and the salary of each of the other deputies in the office of the county clerk shall be fixed at a reasonable amount not exceeding $2,000 a year.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Harold L. Barnes	Ira W. Hulette	E. F. Prichard
F. H. Bassett, Jr.	W. H. Hunt	Hobart Rayburn
W. G. Biggers	Paul Jonas	J. W. Simmons
Jack Bingham	H. K. Lowman	Luther Slusher
B. J. Bonn	E. J. Lucas	Forrest Smith
B. K. Brantley	F. G. Marquette	W. R. Smith
Mrs. Mary Burnett	E. H. Martin	E. A. Spencer
Chas. W. Burnley	W. E. McClure	Paul J. Stapleton
S. J. Daugherty	Jack McPherron	Geo. W. Steinford
Adron Doran	J. L. Moore	Ralph G. Stone
Forest C. Easley	Fred Morgan	E. L. Thompson
Bernie S. Edlin	Joe T. Morgan	Ray G. Tipton
R. R. Ernst	E. C. Mullins	W. L. Trivette
Tom Gilliam	J. C. Newcomb	S. J. Wagner
E. R. Hilton	Thos. A. Noe	W. W. Webster
Clyde S. Howard	Louis T. Peniston	Geo. J. Weining
Jerry F. Howell	Sylvester Phillips	Morris Weintraub
J. J. Huff		—52

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in this House, entitled:

H. Res. 33. Resolution authorizing A. E. Funk to sue the Commonwealth.

H. Res. 35. Resolution authorizing Morgan Wireman to sue the Commonwealth,

H. Res. 36. Resolution authorizing Curtis Pigman to sue the Commonwealth.

H. Res. 44. Resolution authorizing Samuel Peters to sue the Commonwealth.

H. Res. 52. Resolution authorizing personal representative of Gerald Dalton Troutman to sue the Commonwealth.

H. Res. 55. Resolution authorizing Charles Near to sue the Commonwealth.

H. Res. 56. Resolution authorizing Sarah Near to sue the Commonwealth.

H. Res. 57. Resolution authorizing George Grasle to sue the Commonwealth.

H. Res. 66. Resolution authorizing Johnny Reenner to sue the Commonwealth.

H. Res. 70. Resolution appropriating sum of $6,616.44 for benefit of Herman Burkhart.

H. Res. 80. Resolution authorizing Hays Foster to sue the Commonwealth.

H. Res. 84. Resolution authorizing Morris Smith to sue the Commonwealth.

H. Res. 91. Resolution authorizing Collins Humphrey (colored) to sue the Commonwealth.

H. Res. 94. Resolution authorizing John Harris to sue the Commonwealth.

H. B. 60. An Act to amend KRS relating to motor transportation, payment of renewal fees, insurance fees, etc.

H. B. 194. An Act relating to banks and trust companies.

With amendments thereto as proposed and adopted by the Senate.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk of this House with the exception of bills

with amendments thereto as proposed and adopted by the Senate.

Ordered that said bill with amendments thereto as proposed and adopted by the Senate, be laid on the Clerk's Desk.

And that they had passed bills and resolutions which originated in that body, entitled:

S. B. 127. An Act relating to abandoned and unclaimed property.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 393.110 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) It shall be the duty of all state and National banks, trust companies, or other persons, and courts of this Commonwealth or the agents thereof, whether holding estates or property as bailee, depository, debtor, trustee, executor, liquidator, administrator, distributor, receiver, or in any other capacity coming within the purview of KRS 393.060 to 393.100, to report annually to the department as of July 1, all property held by them declared by this chapter to be presumed abandoned. The report shall be filed in the offices of the department on or before September 1 of each year for the preceding July 1, and shall give the name of the owner, his last known address, the amount and kind of property, and such other information as the department may require for the administration of this chapter. The report shall be made in duplicate; the original shall be retained by the department, and the copy shall be mailed to the sheriff of the county where the property is located or held. It shall be the duty of the sheriff to post said copy on the courthouse door or the courthouse bulletin board. The sheriff shall immediately certify in writing to the department the date when said copy was posted. Said copy must be posted on or before October 1 of the year when it is made, and shall be construc-

tive notice to all interested parties and shall be in addition to any other notice provided by statute or existing as a matter of law.

S. B. 159. An Act relating to admission of persons to practice law in Kentucky.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 30.030 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

The Court of Appeals of Kentucky shall make such rules and regulations as it deems proper regulating the admsision of persons to practice law in this state, including, among other things, regulations as to qualifications, application and license fees, and examinations. The full and complete power and authority of the Court of Appeals to make such rules and regulations and to change and amend the same from time to time is hereby recognized and confirmed.

Section 2. Section 30.050 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

The board of bar examiners shall make such rules as to the manner of holding its meetings and conducting its proceedings as it deems proper, but not in conflict with any rules which the Court of Appeals may make from time to time for the regulation of such meetings and proceedings.

Section 3. Section 30.060 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Any fees fixed by the Court of Appeals to be paid by applicants for admission to practice law, and any fees fixed by the Court of Appeals for the issuance of a license to practice law, shall be promptly paid into the State Treasury by the person, officer or agency designated by the Court of Appeals to receive or collect the fees.

(2) The Court of Appeals shall, by order, make reasonable allowances to each member of the board of bar examiners for his services, for necessary clerical assistance and for necessary expenses incurred in the performance of his duties,

such allowances to be paid at such times as the Court, by order, directs. The Court may, by order, make allowances to other persons for services and expenses necessary or proper in connection with the conducting of examinations of applicants for admission to practice law. The allowances provided for in this subsection shall be paid out of such appropriation as is made for the purpose.

Section 4. Section 30.070 and 30.080 of the Kentucky Revised Statutes of 1944 are repealed.

Section 5. There is hereby appropriated out of the General Expenditure Fund in the State Treasury, as a deficiency appropriation for the fiscal year ending June 30, 1946, to the Court of Appeals of Kentucky, for the purpose of paying salaries and expenses of the members of the board of bar examiners allowed under Section 30.060 of the Kentucky Revised Statutes of 1942 and 1944, and for the purpose of paying allowances which may be made during such fiscal year under the provisions of Section 30.060 of the Kentucky Revised Statutes as amended by this Act, the sum of $6,000.

Section 6. There is hereby appropriated out of the General Expenditure Fund in the State Treasury, for each of the fiscal years 1946-1947 and 1947-1948, to the Court of Appeals of Kentucky, for the purpose of paying allowances which may be made under the provisions of Section 30.060 of the Kentucky Revised Statutes as amended by this Act, the sum of $3,000.

Section 7. In addition and supplemental to the appropriations made by Sections 5 and 6 of this Act, all sums arising from fees paid into the State Treasury under the provisions of Section 30.060 of the Kentucky Revised Statutes as amended by this Act, during the fiscal years 1945-1946, 1946-1947 and 1947-1948, shall be placed to the credit of a revolving fund account which is hereby appropriated to the Court of Appeals for the purpose of providing additional funds with which to pay allowances contemplated by this Act.

Section 8. WHEREAS, a deficit has existed for a period of more than two years in the fund from which the expenses

and compensation of the board of bar examiners are paid, and there are no funds with which to pay such expenses and compensation, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

S. B. 171. An Act relating to cities of the first class; creating a City and County Board of Welfare.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Fiscal Court of any county containing a city or cities of the first class and the legislative body of any city of the first class in said county may, upon their joint action, combine, consolidate, and jointly control, as herein provided, such departments, boards, and other organizations now existing or which in the future shall be created for the purpose of serving either the county or the city, or both in the administration and supervision of: all forms of public assistance, general relief, and social services to adults and children in homes or eleemosynary and correctional institutions; city and county eleemosynary institutions; city and county penal institutions including the establishment of rules and regulations for the custody, government, and parole of inmates; other public welfare activities or services which may be placed within the control of the Board.

Section 2. When the provisions of this Act are adopted, as provided in Section 1, there shall be created a Board to be known as the..... City and.....County Board of Public Welfare, which Board shall function as a body corporate under its name aforesaid. The Board shall be composed of five members, three of whom shall constitute a quorum. Two members shall be appointed by the mayor of the city of the first class; two shall be appointed by the county judge, and these four appointees shall then select the fifth member of the Board. The members first appointed shall serve for terms of one, two, three, and four years respectively, with the county judge's appointees serving the two and four year terms, the

mayor's appointees serving the one and three year terms, and the fifth appointee serving a four year term; thereafter the terms of office of all members shall be four years. Upon any vacancy being created through expiration of the term of office or otherwise, appointment shall be made as herein provided with the person or persons who appointed the member leaving the board appointing his successor. In the event of a vacancy being created by any reason other than the expiration of the term, the appointment shall be for the remainder of the unexpired term only. All vacancies shall be filled by appointment made within 30 days from the creation of the vacancy. Should the appointing officer having the right to make such appointment fail to do so, then the appointment shall be made by the Board. Members shall be eligible for reappointment. Members may be removed by the joint action of the county judge and mayor for inefficiency, neglect of duty, malfeasance, misfeasance, or improper conduct, providing, however, that the removed Board member shall have the right within ten days from his removal, by a request in writing, to require the appointing officers to file with the Board a written statement setting forth the reason for such removal.

Section 3. (a) When the provisions of this Act are adopted as provided in Section 1, and there is created the Board as provided in Section 2, the Fiscal Court of the county and the legislative body of the city shall designate which, and they may designate all or less than all, of the departments, boards, and other organizations referred to in Section 1 shall be included in the Board herein provided for, and upon such designation all the authority, functions, powers and duties of such designated departments, boards and other organizations shall be transferred to and vest in the said Board, herein provided for.

(b) In the event in the future that it is then deemed advisable by the city and the county and the Board that any department, board or other organization mentioned in Section 1, and not theretofore included in the Board herein provided for, should be likewise included in said Board then and in that event the Fiscal Court of the county and the legislative body of the city and the Board may by appropriate action order and

direct that said department, board or other organization be included in the Board herein provided for, whereupon said department, board or other organization so designated shall be combined with the Board herein provided for and all its authority, functions, powers, and duties shall in like fashion be transferred to and vest in said Board.

(c) Whenever any department, board, or other organization is combined into the Board herein provided for said department, board or other organization shall cease to exist as a separate unit or body.

Section 4. Each member of the Board, before entering upon his duties as such, shall appear before the county judge and qualify by taking the oath prescribed by Section 228 of the Constitution, and in addition thereto shall swear or affirm that he has the qualifications prescribed by this Act, is not subject to any disability that would render him ineligible to hold the office, and that he will well and truly discharge his duties without considerations of political affiliations or private gain.

Section 5. Each member of the Board shall receive the sum of ten dollars for each of the Board meetings attended by such member, but no member of said Board shall receive more than two hundred fifty dollars during any fiscal year of the Board. This limitation shall not prohibit the Board from holding meetings in addition to those for which compensation is provided. The Board shall hold at least one meeting during each calendar month of the year which shall be held at a regularly appointed time and place. Any member of the Board may cause a special meeting to be held upon giving twenty-four hours actual notice of such meeting to the remaining Board members. All proceedings of the Board shall be recorded in a book kept for that purpose and shall constitute a public record. The records of the Board shall be kept in the office of the Director of Public Welfare.

Section 6. The Board shall prepare such rules and regulations as it considers necessary to carry on its work and may make rules not inconsistent with this chapter for carrying out the provisions of this chapter, and shall have the power to

organize and establish such divisions and subdivisions as may be necessary to carry out the functions of the Board and the purposes of this Act.

Section 7. (a) The Board shall appoint a Director of Public Welfare who shall not be one of their number but who shall be responsible for the administration of the functions of the Board. The Director shall be appointed on the basis of his or her training, ability, and experience in welfare administration. The Director shall be discharged by the Board only for the reasons and under the provisions governing the discharge of members of the Board, as provided for in this chapter. It shall require the concurring vote of three members of the Board sitting at a regular session to discharge the Director. The salary of the Director shall be determined by the Board.

(b) The Director shall be the general administrative officer of the Board and shall be vested with appropriate authority to function as such. The Director shall have control of the administration of the various divisions established pursuant to Section 6 and shall have the power to designate chiefs of such divisions who, under the Director's control and supervision, shall have direction of such divisions. The Director shall have authority to employ and terminate the employment of all employees and personnel of the Board, except members of the Board and the Director, but the employment and termination of employment of employees and personnel by the Director shall be subject to the provisions of Section 8.

Section 8. (a) The Board shall fix the compensation of all employees and personnel of the Board, its divisions and subdivisions, and such compensation shall be as nearly comparable as practicable with the compensation paid to corresponding or comparable Civil employees of such city or county.

(b) Except for the Director and members of the Board, all of the employees and personnel of the Board and its divisions and subdivisions shall be employed in the manner provided by and shall be included in and work under the provisions of Chapter 90 of the Kentucky Revised Statutes so

far as said chapter is not inconsistent with nor repugnant to the other provisions of this Act.

Section 9. (a) Whenever in the opinion of the Board the fee simple title to any real property shall be needed for Board purposes, and the Board cannot acquire such real property by agreement with the owners thereof, whether by reason of disagreement as to price or the legal incapacity or absence of the owner or his inability to convey valid legal title in fee simple, or by the owner or owners being unknown, or by reason of any cause, then the Board shall adopt a resolution setting forth the foregoing facts and ordering the condemnation of the required property, giving a general description thereof together with the name or names of the owners thereof, where such names are known to the Board, and shall direct the county attorney to institute the proceedings. The resolution shall set forth whether the county attorney shall file the petition for condemnation in the county Court or in the circuit court of such county.

(b) The county attorney shall file the petition for condemnation in the court designated in the resolution adopted by the Board.

(c) The required property, if the resolution of the Board directs the county attorney to file the petition for condemnation in the circuit court, may be condemned under the procedure set forth in KRS 416.120 and if the resolution of the Board directs the county attorney to file the petition for condemnation in the county court, the required property may be condemned under the procedure set forth in KRS 416.110.

(d) All property thus acquired by condemnation, or otherwise acquired as set forth in the Act, shall be held, used, owned and controlled by the Board in its own name.

(e) For the purpose of this section, the term "real property" shall include all improvements thereon and every right or interest therein.

(f) The Board is empowered to accept real property or personal property as a gift or to purchase such property without condemnation proceedings where the Board and the owners of the property can agree on the gift or the terms of

sale, and provided further that the property is needed by the Board to carry on its functions and the purposes of this Act.

(g) The boards, agencies, and governmental bodies of cities of the first class and of counties containing a city of the first class, after the adoption of this act are hereby authorized and empowered to convey without compensation or upon such terms as the city and county may agree, to the Board provided for under this Act, all lands, buildings, and property of every nature, character and description, and all interests therein, upon request by the Board.

Section 10. (a) All funds for the purpose of acquiring property, conducting the business of the Board and its divisions and subdivisions, and otherwise carrying out the purposes of this Act, shall be provided in such manner, in such ratio, and upon such terms as the legislative body of the city and the fiscal court of the county may agree and provide.

(b) The Board shall have the power to accept funds provided by the government of the United States or the State of Kentucky for the purposes for which the Board is created, and in case it is necessary for the Board to make specific appropriations, reservations, or allocations of its own funds, or meet specific provisions or conditions imposed by the government providing the funds as a necessary requisite for the obtention of the funds by the Board, the Board is empowered to make such appropriations, reservations, or allocations of its own funds, or meet such conditions and make such provisions as shall be required by the government providing the funds.

(c) The counties containing cities of the first class and the cities of the first class are hereby empowered to make appropriations for the purpose of furnishing funds to the Board created under the provisions of this Act, and may levy a tax upon such property and in such manner as is not otherwise prohibited by law for the purpose of obtaining funds for the appropriations herein provided. Such tax shall be an ad valorem tax on all property subject to the levy and shall constitute a lien on such property.

Section 11. (a) The Board shall install and maintain a modern and efficient system of accounting and keep financial

records, and shall publish in a paper of general circulation in the county, bi-annually a statement of its financial affairs. The Board may use the finance department of the city of the first class as its accounting and disbursing agency, which work shall be done by the city finance department without compensation from the Board.

(b) The Auditor of Public Accounts of the Commonwealth of Kentucky, the Comptroller and Inspector of such city, and the County Auditor of such county shall have the right to inspect the Board's financial records at all times, or to make audits thereof upon request of the legislative body of the city of the first class, the direction of the fiscal court, or the office of the Auditor of Public Accounts of the Commonwealth of Kentucky.

(c) In the event of the dissolution of the Board for any reason, unexpended funds in its hands at the time of such dissolution shall be repaid to the city of the first class and the county of the city of the first class in the same ratio as it was received by the Board from said city and county, to become part of the general funds of such city and county.

Section 12. When the Board is created as provided in this Act, the Fiscal Court of the County and the legislative body of the city shall make provision for the transfer of employees to said Board from its constituent departments, boards or other organizations, but said transfer shall not be accomplished in such a fashion as to interfere with the Board's general authority to ascertain and determine what employees it needs. In authorizing and directing the transfer of employees to the Board, the city and the county shall make such provisions for the operation of Civil Service as will accord with the provisions of Section 8.

Section 13. This Act shall be liberally construed to accomplish its purpose of securing the economy and efficiency of a combined city and county public welfare department and the legislative intent is hereby expressed that if any clause, phrase, provision or section of this Act, whether appearing in the Act as written or as developing in the operations under said Act, is found to be invalid, said clause, phrase, provision or section shall be deleted therefrom and the legislative intent

is hereby expressed that the balance of the Act shall be enforced and used.

S. B. 216. An Act authorizing temporary appointment of additional attorneys in Department of Highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The Attorney General, with the approval of the Commissioner of Highways, may appoint additional attorneys, not exceeding three, to aid the Assistant Attorney General assigned to the Department of Highways during such time as the Department of Highways is administering funds allocated to the Commonwealth of Kentucky under the Federal Aid Road Act approved by Congress on December 20, 1944. The salary of each attorney shall not exceed the sum of $3,800.00 per year, and shall be payable in monthly installments out of the State Road Fund.

2. Such attorneys shall serve not longer than the term of the Attorney General making the appointment, unless sooner removed by him.

S. B. 217. An Act relating to the assessment, and registration of motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 132.230 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) Every person listing his property with the county tax commissioner shall state:

(a) Each separate tract of land, with the number of acres in each tract; the price per acre; the improvements thereon; the name of the nearest resident thereto; where located, giving the election precinct in which it is located; the number of each city lot and the improvements thereon; in what city, on which street, the value of each, and the value of

the improvements thereon to the extent that they enhance the value of each lot;

"(b) Whether there is any land adjoining his owned by a nonresident of the county or state, giving the name and place of residence of any such owner, if known;

"(c) The number of stallions, if known; mares and colts, their value, and whether of registered or of common or mixed stock; the number of mules, registered jacks, jennets, and mule colts, and their value; the number of bulls, steers, cows and calves, their value, and whether of registered or of common mixed stock.

"(d) Each separate motor vehicle and its value, with a description shall include the make, motor number, year made, model, style of body and such other information as the Department of Revenue may require.

"(e) All other property, including the number, denomination and fair cash value of all bonds subject to taxation owned by him, with the value thereof on July 1 of the year for which the list is given, and such other facts as may be required in the blanks provided.

"(2) An error or informality in the description or location of the property, or in the name of the owner or person assessed, shall not invalidate the assessment if the property can with reasonable certainly be located from the description given, in which case the collector may receive the taxes and by his receipt correct the error or informality."

Section 2. (1) The Department of Revenue shall cause an additional certificate, designated as a "Certificate of Assessment of Motor Vehicles" to be made a part of or to accompany the form prescribed for the listing of property with the county tax commissioner. The certificate of assessment shall contain a duplication of the information required in the list relating to the assessment of motor vehicles; the taxpayer's name and address; the county and district wherein the property is located and a certificate by the assessing officer that it is a true copy of so much of the taxpayer's return as relates to motor vehicles.

(2) The taxpaper shall enter all information required in the certificate of assessment and it shall be certified to by

the county tax commissioner or his deputy. It shall be delivered to the taxpayer at the time he lists his property or, if he furnishes a stamped, self-addressed envelope, it shall be mailed to the taxpayer. No fee shall be allowed or charged for the certificate of assessment.

(3) The certificate of assessment shall be retained by the taxpayer as evidence of having listed his motor vehicle for property taxes. If the ownership of the motor vehicle is subsequently changed, the taxpayer shall deliver the certificate of assessment with the bill of sale of the motor vehicle to the purchaser.

Section 3. (1) No motor vehicle which is required by law to be listed with a county tax commissioner of this Commonwealth, shall be registered or have the registration thereof transferred by a county court clerk unless evidence of the assessment of the motor vehicle as of the last assessment date is filed with the county court clerk.

(2) If the motor vehicle did not have a taxable situs in this state on the last preceding assessment date it shall not be registered or have the registration thereof transferred unless evidence that it did not have such a situs is filed with the county court clerk.

(3) If the motor vehicle is required by law to be assessed other than by the county tax commissioner, no evidence of assessment shall be required but the owner shall file a signed statement showing by whom and for what taxes the vehicle is required to be assessed.

Section 4. (1) If properly completed and signed, the following shall be deemed to be sufficient evidence of assessment to satisfy the requirements of subsection one of section three of this Act, but no evidence shall be deemed sufficient unless the motor number of the vehicle is included in the description of the property assessed or listed;

(a) The certificate of assessment of motor vehicles provided for in section two of this Act; or

(b) A notice of assessment of the motor vehicle by the county tax commissioner, county board of supervisors or the State Tax Commission; or

(c) A certified copy of a judgment assessing the motor vehicle; or

(d) A duplicate certification by the county tax commissioner that the motor vehicle has been assessed by or listed with him; or

(e) A certification by the county court clerk, from assessment records in his custody, of the assessment of the motor vehicle.

(2) The person requesting it shall pay the county tax commissioner or the county court clerk a fee of fifty cents for each certificate provided for in subsection (1) (d) and (1) (e) of this section.

Section 5. The county court clerk shall attach the documents required by section three of this Act to the triplicate copy of the registration or transfer receipts and file them in his office, in such manner as the Department of Revenue may direct, as a part of the record of the registration of the motor vehicle. Such records shall be subject to inspection by the county tax commissioner, the county board of supervisors and the Department of Revenue.

Section 6. Any county court clerk, who shall negligently or knowingly register or transfer any motor vehicle in violation of section three of this Act, shall be liable for the amount of any taxes which should have been levied on the motor vehicle if, in fact the motor vehicle was not assessed for taxation. The Department of Revenue shall by regulation provide for the collection of such amounts from the account of the county court clerk and for the delivery of such amounts to the proper tax collector. In addition to the civil liability imposed by this section, any county court clerk who shall fraudently violate or fail to enforce section three of this Act shall be fined not less than fifty nor more than two hundred dollars for each offense.

Section 7. (1) Any person who shall fraudulently obtain a motor vehicle registration receipt or a motor vehicle transfer of registration receipt in violation of section three of this Act shall be fined not less than fifty nor more than two hundred dollars for each offense.

(2) Any court convicting a person under the provisions of this section shall report such a conviction to the Department of Revenue. The department shall forthwith revoke the registration. The registration or transfer receipt and the registration plates shall be delivered to the county court clerk, from whom they were obtained, to be delivered to the Department of Revenue.

Section 8. This act shall become effective July 1, 1947, but no evidence of any assessment or of the taxable situs of any motor vehicle as of a date prior to July 1, 1947, shall be required before the motor vehicle may be registered or have the registration thereof transferred.

S. B. 219. An Act relating to motor vehicles.

Sail bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.040 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) Upon filing application and paying the fee as provided by law, said owner shall be given a receipt containing the registration number, the information included in the aplication and such other information as may be prescribed by the Department of Revenue, and two plates bearing the registration number. If, however, the department finds that materials, suitable for making plates at a cost that will permit the economical administration of KRS 186.020 to 186.260, are not available in sufficient quantity to furnish each owner two plates, then the department may provide by regulation, with the approval of the Governor, that only one plate be issued to each owner; and if the department finds that such material is not available in sufficient quantity to furnish the owner one plate, then the department may in the same manner provide that a plate or plates previously issued shall continue in use for a designated subsequent period. For services performed, the owner shall pay the county clerk the sum of fifty cent for each registration in addition to the registration fee.

"(2) For the registration year of 1946, only one plate shall be displayed together with the prescribed insignia as is now provided by regulation by the department."

Section 2. Subsection (1) of Section 186.170 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) The owner shall have the receipt issued by the department through the clerk constantly in his possession, and he shall attach the plates issued to him conspicuously upon the front and rear of the motor vehicle; or, if the use of only one plate is authorized under KRS 186.040, it shall be attached conspicuously upon the rear of the motor vehicle. Plates shall be kept legible at all times and the rear plate shall be illuminated when being operated during the hours designated in KRS 189.030. If the department prescribes, as provided in KRS 189.030, that plates issued for any year shall continue in use, it shall each year, in addition to the registration receipt, select and give to the owner as further evidence of registration some insignia which may conveniently be attached permanently and conspicuously to the motor vehicle during each registration year. It shall be the duty of the owner to attach same in the prescribed manner and no person may operate a motor vehicle unless such insignia is so affixed upon it. The department shall have placed on said insignia either figures, letters, writing, marks or a combination thereof, which indicate that the motor vehicle has been registered and which in conjunction with the records of the department make identity of the registrants readily ascertainable."

S. B. 244. An Act to authorize representatives of the Department of Industrial Relations to serve subpoenaes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 336.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) In the conduct of an investigation or hearing, the commissioner or any authorized deputy may issue subpoenas to compel the attendance of witnesses and parties and the production of books, papers and records competent and relevant to the matter under investigation; administer oaths; examine witnesses under oath; take the verification or proof of written instruments; and take testimony, depositions and affidavits to carry out any law over which the department has jurisdiction.

(2) If any person called for an appearance not more than fifty miles from the place of service fails to obey the subpoena, the commissioner, or his authorized deputy or attorney, may apply to the circuit court having jurisdiction of either of the parties or the subject matter. Unless sufficient reason is shown for failure to obey the subpoena, the circuit court shall enforce it and punish any violation as a contempt of court.

(3) Subpoenas issued under this section may be served by an inspector or other authorized representative of the department, at any place in the state.

S. B. 152. An Act relating to pharmacy and pharmacists.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No. 1: Any person who is of good moral character and who has been honorably discharged from any branch of the United States Armed Service and who while in that service was regularly employed for a period of not less than twelve (12) months in the preparation and/or dispensing of drugs and medicines and who in addition thereto has successfully completed at least two years of study in a recognized college of pharmacy, may apply for a pharmacist's license by filing a written application properly verified, setting forth his age, residence, the fact of his having been honorably discharged from the armed services, education and practical experience as set out herein.

No. 2: It is the Legislative intent that this act shall not repeal KRS 315.050, but shall create an additional manner in which applicants may qualify for examination by the Kentucky Board of Pharmacy.

No. 3: After such applicant has passed a satisfactory examination conducted before the Kentucky Board of Pharmacy under regulations prescribed by the Board, he shall be entitled to a license as a pharmacist.

S. B. 161. An Act relating to motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.020 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) Before the owner or operator of a motor vehicle, other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity, may operate it or permit its operation upon a highway, the owner shall apply for registration to the county clerk of the county in which he resides or in which the motor vehicle is to be operated. A motor vehicle last registered in another state and purchased by a person for operation in this state shall be first registered in this state by and in the name of the purchaser and not in the name of the seller. The application shall be retained by the clerk and shall be accompanied by:

"(a) A bill of sale, if the application is for the registration of a motor vehicle; or

"(b) The owner's registration receipt, if the motor vehicle was last registered in this state; or

"(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a motor vehicle to obtain a certificate of title or ownership; or

"(d) A certification of title, if last registered in another state where the law of such state requires the owner of a motor vehicle to obtain a certificate of title or ownership.

"After that, he shall register his motor vehicle on or before March 1 of each year. In so far as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

"(2) If an owner because of sickness or absence from the state is unable to renew the registration of his motor vehicle on or before March 1, he will be deemed to have complied with the law, if before operating the motor vehicle in this state he registers it at some later date and pays the fee for the full year, just as though he had renewed the registration on or before March 1. The owner shall file with the application an affidavit showing sickness or absence."

Section 2. Section 186.180 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) If the owner loses his registration receipt, he may obtain a duplicate from the clerk upon filing a written statement as to the loss, upon a form furnished by the department, through the clerk, and he shall pay to the clerk a fee of fifty cents.

"(2) If the owner loses a registration plate he shall surrender his registration receipt to the county court clerk from whom it was obtained and file therewith a written statement as to the loss of the plate. Upon the payment of the sum of fifty cents for each plate and a fee of fifty cents to the clerk for his services the owner shall be issued another registration receipt and a plate or plates which shall bear a different number from that of the lost plate. The clerk shall retain the owner's statement and shall make a notation on the triplicate copy of the surrendered registration receipt, stating the number of registration receipt replacing it. The original copy of the surrendered receipt shall be forwarded to the department. The department shall forthwith cancel the registration corresponding to the number of the lost plate.

"The cancellation shall be reported by the department to the Director of the Division of Highway Patrol. Any person finding a lost registration plate shall deliver it to the Department of Revenue or to any county court clerk for forwarding it to the department."

Section 3. The Director of the Division of Highway Patrol shall, upon receipt of a report from the Department of Revenue of a cancelled motor vehicle registration plate, cause all members of the State Highway Patrol, and such peace officers as he may deem necessary, to be notified of the cancellation. It shall be the duty of all members of the State Highway Patrol and of all peace officers, as defined in KRS 281.370, to seize any registration plate bearing a cancelled number and to report such seizure to the Department of Revenue.

Section 4. Any person who steals a motor vehicle registration plate shall be guilty of a felony and shall be confined in the penitentiary for not less than one nor more than five years. Displaying a cancelled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.

Section 5. Section 186.240 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"It shall be the duty of the department to carry out the provisions of KRS 186.020 to 186.260 and in so doing shall:

"(1) Prepare and furnish to the clerk in each county a sufficient supply of all forms and blanks provided for in KRS 186.020 to 186.260, provided that the forms for receipts shall be designated for the writing of not less than triplicate copies, the original of which shall be numbered consecutively for each county; the second and third copies bearing the same number as the original; and the colors of all copies shall be different and the combination of colors shall not be the same for consecutive years. Receipts to be used as duplicates for lost receipts, as provided in KRS 186.180 (1), shall be in duplicate only, and shall not be numbered.

"(2) Keep a numerical record of all registration numbers issued in the state for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor numbers required by KRS 186.160.

"(3) Furnish to each clerk, originally each year upon estimate, and thereafter upon requisition at all times a sufficient supply of plates and other insignia evidencing registration for all classes of vehicles required to be registered. The

department shall prescribe a plate of practical form and size for police identification purposes which shall contain only the registration number, the word 'Kentucky' or the abbreviation thereof, 'Ky.,' and the name of the county in which the plate is issued or in lieu thereof the words 'official,' 'highway,' 'executive,' or 'farm'; provided, however, the year for which the license is issued shall be upon the plate if the year is not evidenced as otherwise provided in this chapter.

"(4) Annually estimate the quantity of plates, insignia, and other forms necessary for the succeeding year for each county in the state and said estimated quantity shall be delivered to the clerk in each county not later than December 1.

"(5) Receive all moneys forwarded by the clerk in each county and turn same over to the State Treasurer for the benefit of the State Road Fund; and out of this fund there shall be appropriated to the department administering KRS 186.020 to 186.260 an amount to be expended in the manner provided by law for the administration of its functions.

"(6) Shall require an accounting by the clerk in each county for any monies received by him under the provisions of this chapter, after the deduction of his fees under this chapter, and for all receipts, forms, plates and insignia consigned to him.

"(7) When applied for under KRS 186.160, motor numbers assigned shall be distinctive to show that they were designated by the department."

S. B. 221. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of section 131.110 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) (a) The Department of Revenue or its agent shall mail to the taxpayer a notice of any tax assessed by it or its agent. Unless the taxpayer protests the assessment in the manner provided in this paragraph, the assessment shall be

final at the expiration of thirty days from the date of notice, but the assessment shall be reviewable as provided in paragraph (b) of this subsection. Such protest shall be filed with the Department of Revenue in writing and shall be accompanied by a supporting statement setting forth the grounds for and information upon which the protest is made. Upon written request, the department may extend the time for filing the supporting statement if it appears that the delay is necessary and unavoidable. A refusal of such an extension may be reviewed in the same manner as in the case of a protested assessment. At the time of filing both the protest and supporting statement, the taxpayer may request a ruling on the protest as filed or may request a conference with the department or its agent which shall be granted in writing stating the time set for the conference. The taxpayer may appear in person or by representative. After considering the taxpayer's protest, including any matters presented at such a conference, the department, or its agent shall issue a final ruling thereon which shall be mailed to the taxpayer. The tax shall be due and payable upon the date the assessment becomes final unless the taxpayer petitions the Kentucky Tax Commission for a review thereof as provided in paragraph (b) of this subsection.

"(b) Within fifteen days after an unprotested assessment by the Department of Revenue has become final; or within fifteen days from the date of notice of a final ruling by the Department of Revenue on a protested assessment, or within fifteen days from the date of notice of any final ruling order or finding of the Department of Revenue, the taxpayer may petition the Kentucky Tax Commission for a review of the final action of the department or of the assessment. The petition shall be filed in quadruplicate and shall in a concise manner state the issue involved, the facts, the basis of the taxpayer's contention, and, if desired, a request for a formal or informal hearing. A copy of the final decision of the commission shall be mailed to the taxpayer after it has considered all of the evidence and facts presented. If the commission reviews an assessment, the taxes determined to be owing shall

be due and payable thirty days after the date of notice of the decision of the commission."

Section 2. (1) Unless otherwise specifically provided by law, no appeal from or review of any tax assessment, ruling, order or finding of the Department of Revenue or of the Kentucky Tax Commission shall be allowed except in the manner and subject to the conditions as provided in KRS 131.110 and 131.120.

(2) A refusal by the Department of Revenue to refund any tax may be reviewed only in the manner and subject to the conditions as provided in KRS 131.110 and 131.120.

Section 3. Section 133.160 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"When it is contemplated by the Kentucky Tax Commission that it will be necessary to raise the assessed valuation of property in any county, it shall give notice of the contemplated action to the county court, the superintendent of any school district affected by such action, the mayor of any city which is affected and which has adopted the assessment, and to the taxpayers of that county through the county judge, who shall post the notice sent him on the courthouse door and certify to the Department of Revenue that this has been done, and it shall fix a time and place for a hearing which may be in Frankfort or any convenient place in or nearer the county seat. If the property of an individual owner is singled out for an increase, the owner shall be notified by the Department of Revenue by registered mail. The increase of an assessment of property of an individual owner may be reviewed or appealed from only in the manner provided in KRS 131.110 subsection (2) and 131.120."

Section 4. Section 140.200 of the Kentucky Revised Statutes, 1944 edition, is repealed.

S. B. 222. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, "adjusted gross income" means the gross income:

(1) Minus, (a) The deductions allowed by KRS 141.080 which are attributable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employe;

(b) The deductions allowed by KRS 141.080 which consist of expenses of travel, meals and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employe;

(c) The deductions allowed by KRS 141.080 (other than expenses of travel, meals and lodging while away from home) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employe, under a reimbursement or other expense allowance arrangement with his employer;

(d) The deductions (other than those provided in paragraph (a), (e) or (f)) allowed by KRS 141.080 which are attributable to property held for the production of rents or royalties;

(e) The deductions (other than those provided in paragraph (a)) for the depreciation and depletion allowable to a life tenant of property or to an income beneficiary of property held in trust; and

(f) The deductions (other than those provided in paragraph (a)) allowed by KRS 141.100 as losses from the sale or exchange of property;

(2) And minus, the amount of Federal income tax paid by the taxpayer during the taxable year for which the return is filed.

Section 2. As used in this Act, "compensation for personal services" means compensation for services performed by an employe for his employer.

Section 3. (1) With respect to taxable years beginning after December 31, 1945, any individual whose adjusted gross income for the taxable year for which the return is filed does not exceed five thousand dollars may elect to pay the tax as shown in the following table less the tax credits as authorized by KRS 141.060:

OPTIONAL TAX TABLE

If Income Subject to Tax is Over	But Not Over	The Tax Shall Be	If Income Subject to Tax is Over	But Not Over	The Tax Shall Be
$ 0	$ 50	$ .45	$2,500	$2,550	$ 45.45
50	100	1.35	2,550	2,600	46.35
100	150	2.25	2,600	2,650	47.25
150	200	3.15	2,650	2,700	48.15
200	250	4.05	2,700	2,750	49.05
250	300	4.95	2,750	2,800	49.95
300	350	5.85	2,800	2,850	50.85
350	400	6.75	2,850	2,900	51.75
400	450	7.65	2,900	2,950	52.65
450	500	8.55	2,950	3,000	53.55
500	550	9.45	3,000	3,050	54.45
550	600	10.35	3,050	3,100	55.35
600	650	11.25	3,100	3,150	56.25
650	700	12.15	3,150	3,200	57.15
700	750	13.05	3,200	3,250	58.05
750	800	13.95	3,250	3,300	58.95
800	850	14.85	3,300	3,350	59.85
850	900	15.75	3,350	3,400	61.13
900	950	16.65	3,400	3,450	62.48
950	1,000	17.55	3,450	3,500	63.83
1,000	1,050	18.45	3,500	3,550	65.18
1,050	1,100	19.35	3,550	3,600	66.53
1,100	1,150	20.25	3,600	3,650	67.88
1,150	1,200	21.15	3,650	3,700	69.23
1,200	1,250	22.05	3,700	3,750	70.58
1,250	1,300	22.95	3,750	3,800	71.93
1,300	1,350	23.85	3,800	3,850	73.28
1,350	1,400	24.75	3,850	3,900	74.63
1,400	1,450	25.65	3,900	3,950	75.98
1,450	1,500	26.55	3,950	4,000	77.33
1,500	1,550	27.45	4,000	4,050	78.68
1,550	1,600	28.35	4,050	4,100	80.03
1,600	1,650	29.25	4,100	4,150	81.38

1,650	1,700	30.15	4,150	4,200	82.73
1,700	1,750	31.05	4,200	4,250	84.08
1,750	1,800	31.95	4,250	4,300	85.43
1,800	1,850	32.85	4,300	4,350	86.78
1,850	1,900	33.75	4,350	4,400	88.13
1,900	1,950	34.65	4,400	4,450	89.48
1,950	2,000	35.55	4,450	4,500	91.10
2,000	2,050	36.45	4,500	4,550	92.90
2,050	2,100	37.35	4,550	4,600	94.70
2,100	2,150	38.25	4,600	4,650	96.50
2,150	2,200	39.15	4,650	4,700	98.30
2,200	2,250	40.05	4,700	4,750	100.10
2,250	2,300	40.95	4,750	4,800	101.90
2,300	2,350	41.85	4,800	4,850	103.70
2,350	2,400	42.75	4,850	4,900	105.50
2,400	2,450	43.65	4,900	4,950	107.30
2,450	2,500	44.55	4,950	5,000	109.10

(2) A husband and wife living together, whose aggregate adjusted gross income does not exceed five thousand dollars, may elect to make either a joint return or separate returns and pay the tax as provided by this section; but if either spouse elects to make a separate return and pay the tax imposed by KRS 141.020, the other shall be required to also pay the tax imposed by KRS 141.020.

(3) This section shall not apply to an estate or trust, an individual filing a return for a period of less than twelve months on account of a change in the accounting period, or to a married individual whose spouse files a return at any time during the taxable year, and computes the tax without regard to this section.

Section 4. Section 141.060 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) The taxes due as computed under the provisions of KRS 141.020 or under the provisions of section three of this Act shall be credited with the following amounts:

"(a) Twenty dollars, in the case of an unmarried individual;

"(b) Fifty dollars, in the case of a married individual, living with husband or wife, and in the case of a head of a family. If such husband and wife make separate returns the tax credit, allowed by this subsection, may be taken by either or divided between them;

"(c) Ten dollars, for each person, other than husband or wife, dependent upon and receiving more than fifty per-cent of his support from the taxpayer during the taxable year for which the return is filed, if the dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective.

"(2) If the status of a taxpayer, insofar as it affects the credits allowed under subsection (1) of this section, shall change during the taxable year, the tax credit shall be determined in accordance with the status maintained for a period of six months or more during the taxable year.

"(3) In the case of nonresidents and of residents who receive credits on account of income taxes paid in other states, the tax deductions allowable under subsection (1) of this section shall be that proportion of those permitted therein that is represented by the ratio of the taxpayer's net income in this state to his total net income from all sources; or, if the taxpayer elects to pay the tax under section three of this Act, as represented by the ratio of the taxpayer's adjusted gross income in this state to his total adjusted gross income from all sources."

Section 5. Section 141.180 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) Every individual having for the taxable year a net income of one thousand dollars or over or a gross income of fifteen hundred dollars or over, if single, or if married and not living with husband or wife; and every individual having for the taxable year a net income of twenty-five hundred dollars or over or a gross income of three thousand dollars or over, if married and living with husband or wife, shall make to the Department of Revenue a return stating specifically the items of his entire income and the items which he claims as deductions and tax credits allowed by this chapter. If the

individual is unable to make his own return, the return shall be made by a duly authorized agent.

"(2) A husband and wife not living together shall make separate returns. A husband and wife living together may make a joint return, or may make separate returns.

"(3) An optional return properly filed under the provisions of section three of this Act shall be deemed sufficient to satisfy the provisions of this section.

"(4) Each individual return shall be verified by a written declaration that it is made under the penalties of perjury."

Section 6. Subsection (1) of section 141.020 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) An annual tax shall be paid for each taxable year by every resident individual of this state, upon his entire net income as defined in this chapter for purposes of taxation, at the following rates, less the tax credits as authorized by KRS 141.060:

"(a) Two percent of the amount of net income not exceeding three thousand dollars.

"(b) Three percent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars.

"(c) Four percent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars.

"(d) Five percent of the amount of net income in excess of five thousand dollars."

Section 7. (1) An individual, at his election, may deduct a standard deduction as follows:

(a) If his adjusted gross income is five thousand dollars or more, the standard deduction shall be five hundred dollars.

(b) If his adjusted gross income is less than five thousand dollars, the standard deduction shall be the amount as allowed by the application of the optional tax table contained in section three of this Act.

(2) The standard deduction provided for in this section shall be in lieu of all deductions other than those which under section one of this Act are to be subtracted from gross income in computing adjusted gross income.

Section 8. (1) If the adjusted gross income shown on the return is five thousand dollars or more, the standard deduction shall be allowed only if the taxpayer so elects in his return, and the Department of Revenue shall by regulations prescribe the manner of signifying such election in the return.

(2) If the adjusted gross income shown on the return is less than five thousand dollars, the standard deduction shall be allowed only if the taxpayer elects in the manner prescribed in section three of this Act to pay the tax imposed by that section.

(3) If the taxpayer does not signify, in the manner prescribed by subsection (1) and (2) of this section, his election to take the standard deduction, it shall not be allowed. If he does so signify, such election shall be irrevocable for that taxable year.

(4) If the adjusted gross income shown on the return is five thousand dollars or more, but the correct adjusted gross income is less than five thousand dollars, then an election by the taxpayer under subsection (1) of this section to take a standard deduction shall be considered as an election to pay the tax imposed by section three of this Act; and his failure to make, under subsection (1) of this section, an election to take the standard deduction shall be considered his election not to pay the tax imposed by section three of this Act. If the adjusted gross income shown on the return is less than five thousand dollars but the correct adjusted gross income is five thousand dollars or more, then an election by the taxpayer under subsection (2) of this section to pay the tax imposed by section three of this Act shall be considered as his election to take the standard deduction; and his failure to elect, under subsection (2) of this section, to pay the tax imposed by section three of this Act shall be considered his election not to take the standard deduction.

Section 9. In the case of a husband and wife living together, the standard deduction provided for in section seven

of this Act shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction. For the purposes of this section only, the determination of whether an individual is married and living with his spouse shall be made as of the last day of the taxable year, unless his spouse dies during the taxable year, in which case such determination shall be made as of the date of such spouse's death.

Section 10. The standard deduction provided for by section seven of this Act shall not be allowed in the case of a taxable year of less than twelve months on account of a change in the accounting period or in the case of an estate or trust.

Section 11. (1) It is the purpose of this Act to permit the filing of simplified tax returns by individuals.

(2) The Department of Revenue shall prescribe an optional form, either separate from or combined with the regular individual income tax return form, whereby any individual whose income consists wholly of compensation for personal services, as defined in this Act (except that the individual may include income from dividends, interest and annuities provided his total income from those three sources does not exceed one hundred dollars for the taxable year) and whose adjusted gross income does not exceed five thousand dollars may report his income and compute his tax from the tax table contained in section three of this Act.

(3) The Department of Revenue shall also prescribe forms, either separate from or combined with the regular individual income tax return form, whereby individuals, whose income is other than that described in subsection (2) of this section and who are eligible to do so, may elect to pay the tax as imposed by section three of this Act or may elect to take the standard deduction authorized by section seven of this Act.

(3) The Department of Revenue is authorized to prescribe any additional forms and to make rules and regulations for the application and administration of this Act.

Section 12. It is the declared intention of the General Assembly that this Act is enacted as a whole. If any material

part of this Act shall be declared unconstitutional, so as to prevent the accomplishment of the purpose of this Act, then this entire Act shall be void and Chapter 141 of the Kentucky Revised Statutes shall remain in effect as though the amendments contained in this Act were never enacted.

S. B. 223. An Act appropriating money for the payment of certain claims.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund in the State Treasury, for the Fiscal year ending June 30, 1946, to the following named departments of the state government, for the purpose of compensating the following named persons for claims which have been duly audited and approved according to law but which have not been paid because of the lapsing of former appropriations against which such claims were chargeable, the sums hereinafter specified:

1. To the Department of Finance, to pay the claims of:
Hillenmeyer Nurseries, Lexington, Kentucky $89.00
Powell County Bank, Stanton, Kentucky $16.96

2. To the Governor, to pay the claims of the Wick Narrow Fabric Company of Philadelphia, Pa. $43.69

3. To the Department of Revenue, to pay the claims of:
Russell Dyche, London, Kentucky $10.00
Herbert Shaffer, Cincinnati, Ohio $39.84
The Crittenden Press, Marion, Kentucky $179.50

4. To the Department of Welfare, to pay the claims of:
The Oldham Era, LaGrange, Kentucky $4.20
Aubrey and Co. $1,060.20
Westinghouse Electric & Mfg. Co. 125.00
Lexington Water Co. 150.00
Roy C. Whayne Supply Co. 28.32
Louisville General Hospital 10.50
Jett Coal & Supply Co. 163.20

Frankfort Ice & Coal Co.	56.70
Huey Motor Express	40.83
Lexington Telephone Co.	109.07
Sandard Motor Co.	40.95
Samuel Glenn & Son	37.79
Highway Bridges Refunding Bond Sinking Fund Account	11.50
Cash Neal	52.20
Ted L. Gearhart	56.40
L. C. Pinkston	3.30
L. S. Mathews & Co.	4.00
Byck's Bros. & Co.	3.25
The Kirster Co.	181.48
The Conner Mfg. Co.	94.89
Simplex Time Recorder Company	22.28

WHEREAS, the persons above named have in good faith furnished services, supplies and materials and merchandise and the Commonwealth has received the benefit of the same, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

S. B. 238. An Act authorizing the municipal corporations of the fourth class to issue warrants payable from the income of electric power and water plants.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Municipal corporations of the fourth class in the Commonwealth of Kentucky which own and operate municipal electric power plants or water works are authorized to issue interest bearing warrants in payment for extensions and improvements to said electric power plants or water works. Said warrants shall bear interest at not more than 4½% and be due not more than five (5) years from date. They shall be payable only out of the income from the operation of said electric power plants or water works.

S. B. 241. An Act to regulate Industrial Life Insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (4) of Section 297.130 of the Kentucky Revised Statutes of 1944, relating to Industrial Life Insurance is amended and re-enacted to read as follows:

(4) In construing the provisions of this section, Industrial Insurance shall be considered to be insurance purchasable solely by weekly or monthly premiums if the words Industrial Policy are printed on the policy as a part of the descriptive matter.

Section 2. Subsection (7) of Section of 297.131 of the Kentucky Revised Statutes of 1944 is amended and re-enacted to read as follows:

(7) In construing the provisions of this section, "Ordinary Insurance" or "Insurance Upon the Ordinary Plan" shall be considered to be insurance that may be paid for by a single premium, by annual premiums or by semi-annual or quarterly or other installments thereon at the option of the Company; and "Industrial Insurance" shall be considered to be insurance purchasable solely by weekly or monthly premiums if the words Industrial Policy are printed on the policy as a part of the descriptive matter.

S. B. 242. An Act relating to insurance of State lands and buildings.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 56.160 KRS is amended to read as follows:

With the approval of the Department of Finance, the Division of Insurance may contract with any responsible fire and tornado insurance or reinsurance company authorized to do business in Kentucky to reinsure any building and its contents of which the total valuation has been fixed at over $500,000 in such a way as to limit the net liability of the State

Fire and Tornado Insurance Fund with respect to such building and its contents to $500,000, and during any fiscal year in which the State Fire and Tornado Insurance Fund amounts to less than $2,000,000, the Division of Insurance, with the approval of the Department of Finance, may reinsure any building and its contents of which the total valuation has been fixed at over $200,000 in such a way as to limit the net liability of the State Fire and Tornado Insurance Fund with respect to such building and its contents to $200,000. The premium for reinsurance shall be paid out of the State Fire and Tornado Insurance Fund, on warrant of the Department of Finance.

Section 2. Section 56.180 KRS is amended to read as follows:

If at the end of any fiscal year the moneys and securities to the credit of the State Fire and Tornado Insurance Fund equal or exceed two million dollars, the Division of Insurance shall certify to the State Treasurer a credit to each state agency having control or custody of state property. The credit shall operate to reduce the premium for the next fiscal year. The credit shall be calculated by taking the total amount of the premiums determined under KRS 56.090, subtracting from such premiums the total amount of the losses and damage debited against the fund and the total expenses debited against the said fund under KRS 56.150 and 56.160, and dividing the result by the total amount of premiums as determined under KRS 56.090. The credit shall be applied equally against each premium debitable against each state agency having control or custody of state property, and shall revert to the account of that agency without prejudice as to its use.

S. B. 255. An Act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 241.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The city administrator in each city of the first class, and such investigators and clerks as are deemed necessary for the proper conduct of his office, shall be appointed by the mayor. The city administrator in each city of the first class, and his investigators, shall have full police powers of peace officers, and their jurisdiction shall be coextensive with such city. They may inspect any premises where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in, without first obtaining a search warrant.

(2) The city administrator in each city of the second or third class shall be appointed by the city manager, if there is one. If there is no city manager, the city administrator shall be appointed by the mayor.

(3) No person shall be a city administrator, an investigator, or an employe of the city under the supervision of the city administrator, who would be disqualified to be a member of the board under KRS 241.100.

Ordered that said bills be printed and referred

To the Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Clerk's Desk a bill entitled:

H. B. 194. An Act relating to banks and trust companies and providing for additional powers and the expansion of consumer credit.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 21)

Said amendment as proposed by the Senate is as follows:

Amend H. B. 194 in Senate on section 1, line 5 by striking out all of the lines 5 to 29 inclusive and inserting in lieu thereof the following language:

287.215 Additional powers for banks and trust companies and combined banks and trust companies. (1) In addition to the powers heretofore granted, any bank and trust company or combined bank and trust company shall have the power to lend money; to charge or to receive in advance interest therefor: to contract for a charge for a secured or unsecured installment loan, which in principal amount shall not exceed five thousand dollars, and which under its terms shall be repayable in substantially equal installments over a period of not exceeding three years and thirty-two (32) days, which charge shall be at a rate not exceeding six dollars per one hundred dollars per annum upon the first two thousand dollars of the principal amount of the loan, and not exceeding five dollars per one hundred dollars per annum upon the excess of the principal amount of the loan over two thousand dollars, which charge or charges shall be for the entire period of the loan and may be collected in advance.

(2) In addition to the charge permitted by this section, no further amount shall be directly or indirectly charged, contracted for, or received on any such installment loan, except lawful fees actually paid to a public officer for filing, recording, or releasing any instrument securing the loan and delinquency charges as hereinafter set out.

(3) Delinquency charges may be made not to exceed five cents for each dollar of each installment more than fifteen days in arrears, and only one delinquency charge shall be made on any one installment. No delinquency charge shall exceed five dollars on any one installment.

(4) The lending institution shall permit the borrower to repay his loan in whole or in part at any time. If a loan is paid in full prior to maturity the lending institution shall make a rebate at a rate not less than six (6) percent per annum of amounts so paid in advance of the due date, if the maximum financing charge permitted hereunder has been taken. If a lesser charge has been taken, the rebate shall be at not less than a proportional rate.

(5) In the case of loans made under this section the lending institution shall not take any assignment, pledge or transfer of wages to be earned or paid in the future, nor any lien

upon real estate as security, except such lien as is created by virtue of a judgment or decree. Provided, however, that nothing in this section is intended to prevent lending institutions from making loans under the provisions of the National Housing Act, which loans are hereby authorized.

(6) No lending institution under this section shall split up or divide a loan or permit any person to become obligated to it under more than one contract of loan at the same time for the purpose of obtaining a greater charge than would otherwise be permitted by this section.

(7) Every note evidencing a loan made under this section shall contain the following information and provisions: The Original principal amount of the loan excluding any charge made under this section; a statement of the total charge for the loan; the amount and the date of each installment; the date of final maturity; an agreement that the borrower may prepay the loan in whole or in part at any time, and that if the loan is paid in full before final maturity, the borrower will receive a refund of the unearned portion of the charge as required by this section. At the time the loan is made, the lending institution shall give the borrower either a copy of the note, or a statement of the transaction containing the provisions and information required to be contained in the note. The lending institution shall deliver a receipt for each payment.

(8) In advertising for loans subject to this section, every advertisement shall conform to the following requirement; Any statement of the amount of the loan shall be the original principal amount showing in detail any charge made under this section.

(9) KRS 288.160 and 350.010 shall not apply to loans made under authority of this section, but said sections shall remain in full force and effect for all other purposes and nothing in this section shall be construed to impair the validity or effect of said sections with respect to loans other than those made pursuant to this section.

(10) Any contract of loan in the making or collection of which any act shall have been done which constitutes a wilful violation of any provision of this section shall be void, and

the bank, trust company, combined bank and trust company shall have no right to collect or receive any interest or charges whatsoever on such loan, but the unpaid principal of the loan shall be paid in full to the lending institution.

Mr. Weintraub offered the following amendment to the amendment as proposed and adopted by the Senate to said bill, viz.:

Amend the Senate amendment to H. B. 194 by striking out subsec. (3) of the Senate amendment.

Mr. Brown moved the Previous Question on said amendment as offered by Mr. Weintraub.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Without objection, the amendment as offered by Mr. Weintraub to the amendment as proposed and adopted by the Senate, was withdrawn.

Said amendment as proposed and adopted by the Senate to said bill, was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	John Y. Brown	Forest C. Easley
F. O. Baker	Mrs. Mary Burnett	Bernie S. Edlin
Harold L. Barnes	Chas. W. Burnley	Eck Embry
F. H. Bassett, Jr.	Fred Creasey	R. R. Ernst
Ott Begley	L. A. Demumbrun	A. H. Eversole
Jack Bingham	E. R. Denny	Henry J. Giles
B. J. Bonn	Adron Doran	Tom Gilliam
J. C. Bradley	G. I. Drury	M. B. Gilligan

Otto W. Goff	F. G. Marquette	J. W. Simmons
R. M. Hall	E. H. Martin	Luther Slusher
C. L. Hammonds	W. E. McClure	Forrest Smith
Harold G. Helm	Jack McPherron	W. R. Smith
E. R. Hilton	Harry L. Moore	E. A. Spencer
Clyde S. Howard	J. Lee Moore	Paul J. Stapleton
Jerry F. Howell	Fred Morgan	Ralph G. Stone
J. J. Huff	Joe T. Morgan	E. L. Thompson
Ira W. Hulette	E. C. Mullins	Ray G. Tipton
W. H. Hunt	J. C. Newcomb	E. N. Todd
Kerby Jennings	Thos. A. Noe	Walter L. Trivette
Paul Jonas	Joe E. Nunn	S. J. Wagner
L. H. Jones	Louis T. Peniston	Harry F. Walters
G. O. Kirkpatrick	Sylvester Phillips	Lyle H. Webb
Edgar Kitchen	L. W. Preston	W. W. Webster
Homer E. Losey	E. F. Prichard	Geo. J. Weining
A. L. Love	Hobart Rayburn	Rodney Whitlow
H. K. Lowman	Wade H. Riley	John Wilborn
E. J. Lucas	Kelse H. Risner	—80

There voted in the negative—

Morris Weintraub —1

Mr. Brown moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 211. An Act relating to compensation for city officers of cities of the fifth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 87.200 of the Kentucky Revised statutes is amended to read as follows: The Mayor and members of the City Council may receive such compensation as is fixed by ordinance; and the Clerk, Treasurer, Assessor and City Attorney of such city shall each receive such compensation as is fixed by ordinance, which compensation shall not be changed after their appointment or during their term of office. Nothing herein contained shall prevent the City Council from fixing such compensation in the first instance, during the term of office of such officer or after his election. The compensation of all other officers shall be fixed from time to time by the City Council.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Otto W. Goff	Harry L. Moore
Harold L. Barnes	R. M. Hall	J. Lee Moore
Ott Begley	C. L. Hammonds	Fred Morgan
B. J. Bonn	Harold G. Helm	E. C. Mullins
J. C. Bradley	Jerry F. Howell	J. C. Newcomb
John Y. Brown	J. J. Huff	Thos. A. Noe
Mrs. Mary Burnett	Ira W. Hulette	Joe E. Nunn
Chas. W. Burnley	W. H. Hunt	Louis T. Peniston
E. R. Denny	Kerby Jennings	Sylvester Phillips
Adron Doran	Paul Jonas	L. W. Preston
G. I. Drury	Edgar Kitchen	E. F. Prichard
Forest C. Easley	A. L. Love	Hobart Rayburn
Bernie S. Edlin	H. K. Lowman	Wade H. Riley
Eck Embry	F. G. Marquette	Kelse H. Risner
R. R. Ernst	E. H. Martin	J. W. Simmons
Tom Gilliam	W. E. McClure	Luther Slusher
M. B. Gilligan	Jack McPherron	Forrest Smith

W. R. Smith	E. N. Todd	W. W. Webster
E. A. Spencer	Walter L. Trivette	Geo. J. Weining
Paul J. Stapleton	S. J. Wagner	Morris Weintraub
Geo. W. Steinford	Harry F. Walters	Rodney Whitlow
E. L. Thompson	Lyle H. Webb	John Wilborn
Ray G. Tipton		—67

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 203. An Act relating to fiscal courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 67.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each county commissioner serving on a fiscal court may be paid out of the county treasury the following compensation for his services:

(a) In counties containing a city of the first or second class, a salary of three thousand dollars per annum, payable monthly.

(b) In counties containing a city of the third or fourth class, a salary of not more than one thousand, eight hundred dollars per annum, payable monthly.

(c) In other counties, the same compensation per day as justices of the peace receive under subsections (2) and (3) of this section.

(2) Each justice of the peace serving on a fiscal court shall be paid for his services out of the county treasury six

dollars for each day of actual attendance of the meetings of the fiscal court.

(3) County commissioners or justices of the peace shall not receive any other compensation for their services, or any compensation for serving on committees of the fiscal court, except that in counties where the fiscal court controls and supervises the county roads through a committee of its members the justices of the peace serving on that committee shall be paid out of the county treasury six dollars for each day of actual service.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Harold L. Barnes	Kerby Jennings	Kelse H. Risner
F. H. Bassett, Jr.	Paul Jonas	J. W. Simmons
B. J. Bonn	G. O. Kirkpatrick	Luther Slusher
John Y. Brown	A. L. Love	Forrest Smith
Mrs. Mary Burnett	H. K. Lowman	E. A. Spencer
Chas. W. Burnley	F. G. Marquette	Geo. W. Steinford
Adron Doran	E. H. Martin	E. L. Thompson
Bernie S. Edlin	W. E. McClure	Ray G. Tipton
R. R. Ernst	Jack McPherron	E. N. Todd
Tom Gilliam	Harry L. Moore	Walter L. Trivette
M. B. Gilligan	J. Lee Moore	S. J. Wagner
Otto W. Goff	E. C. Mullins	Harry F. Walters
R. M. Hall	Joe E. Nunn	Lyle H. Webb
C. L. Hammonds	Louis T. Peniston	W. W. Webster
E. R. Hilton	Sylvester Phillips	Geo. J. Weining
Jerry F. Howell	L. W. Preston	Morris Weintraub
J. J. Huff	Hobart Rayburn	Rodney Whitlow
Ira W. Hulette	Wade H. Riley	John Wilborn
W. H. Hunt		

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There voted in the negative—

Roy W. Arnold —1

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Barnes moved that the House do now adjourn.

Said motion was disagreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 517. An Act appropriating money out of the General Expenditure Fund to supply a deficiency in the appropriation heretofore made for expenses of legislative sessions for the fiscal year 1945-46.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the General Expenditure Fund in the State Treasury as of the effective date of this Act, the sum of $100,000, for expenses of legislative sessions for the fiscal year 1945-1946.

§ 2. Whereas, the funds heretofore appropriated for the 1946 General Assembly are exhausted, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Harold L. Barnes	Clyde S. Howard	L. W. Preston
F. H. Bassett, Jr.	Maurice Howard	E. F. Prichard
B. J. Bonn	Jerry F. Howell	Hobart Rayburn
J. C. Bradley	J. J. Huff	Wade H. Riley
John Y. Brown	Ira W. Hulette	Kelse H. Risner
Mrs. Mary Burnett	W. H. Hunt	J. W. Simmons
Chas. W. Burnley	Kerby Jennings	Luther Slusher
Fred Creasey	Paul Jonas	Forrest Smith
L. A. Demumbrun	Homer E. Losey	Geo. W. Steinford
E. R. Denny	H. K. Lowman	E. L. Thompson
Adron Doran	F. G. Marquette	Ray G. Tipton
G. I. Drury	E. H. Martin	E. N. Todd
Forest C. Easley	W. E. McClure	Walter L. Trivette
Bernie S. Edlin	Jack McPherron	S. J. Wagner
R. R. Ernst	Harry L. Moore	Lyle H. Webb
Tom Gilliam	J. Lee Moore	W. W. Webster
M. B. Gilligan	E. C. Mullins	Geo. J. Weining
Otto W. Goff	Joe E. Nunn	Morris Weintraub
C. L. Hammonds	Louis T. Peniston	Rodney Whitlow
Harold G. Helm	Sylvester Phillips	John Wilborn
E. R. Hilton		

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There voted in the negative—

A. L. Love —1

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 475. An Act relating to revenue and taxation, with particular reference to the assessment of property.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of section 132.640 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Department of Finance shall, on the first of each calendar month, authorize payment of six hundred dollars to the county tax commissioner of each county containing a city of the second class, as an advancement by the state to defray necessary official expenses and partial payment of the salaries of himself and deputies. These sums shall be deducted from the total paid the tax commissioner when the yearly settlements are made. If the office of tax commissioner becomes vacant, the sums advanced hereunder shall be deducted from the yearly settlement when it is made.

§ 2. The Department of Finance shall, on the first of each calendar month from July 1 to November 1, inclusive, authorize payment to the county tax commissioner of each county other than those counties containing a city of the first or second class, as an advancement by the state to defray necessary official expenses and partial payment of the salaries of himself and deputies, an amount for each of those months equal to ten percent of the compensation to become due to the county tax commissioner, as estimated by the Department of Revenue and certified by that department to the Department of Finance. These sums shall be deducted from the total paid the tax commissioner when the yearly settlements are made. If the office of tax commissioner becomes vacant, the sums advanced hereunder shall be deducted from the yearly settlement when it is made.

§ 3. Section 133.125 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county tax commissioner shall act as clerk of the board of supervisors, and he shall keep an accurate record of the proceedings and orders of the board. He may employ

the necessary deputies required to assist him as clerk of the board of supervisors. The record shall show the name of the owner of the property, the description, the class of property, the amount with which the county tax commissioner assessed the property and the amount of the assessment made by the board of supervisors. It shall be filed in the office of the county clerk and a certified copy submitted to the Department of Revenue within fifteen days after the adjournment of the board. The clerk shall also report as a part of this record the net increase or decrease in assessed valuation for each class of property considered by the board. The clerk of the board and necessary deputies shall be allowed the same compensation, and be paid in the same manner, as members of the boards of supervisors are paid. Provided, that the clerk shall be allowed not exceeding five days after adjournment of the board of supervisors for the correction of the tax books. The clerk shall be entitled to the payment of fifteen cents for the preparation of each schedule of omitted intangibles assessed by the board with reference to an appeal to it.

(2) The clerk of the board of supervisors shall certify to the county court the approval of the tax books, and the court shall enter this fact of record. The court shall enter also the amount due the supervisors and the clerk of the board and his deputies for their services. On presentation of a copy of the order, the Department of Finance shall draw a warrant on the State Treasurer in favor of the county tax commissioner for the portion of his claims, as provided by KRS 132.590, and the amount due the supervisors, and the clerk of the board of supervisors and his deputies, for their services.

Mr. Hammons offered the following amendment to said bill, viz.:

Amend H. B. 475 on page 3, sec. 3, line 30 by adding at the end thereof the following:

"The county tax commissioner shall make all property transfers and shall receive the same fee therefor as the county clerk receives."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	W. H. Hunt	Wade H. Riley
B. J. Bonn	Kerby Jennings	Kelse H. Risner
John Y. Brown	Paul Jonas	J. W. Simmons
Chas. W. Burnley	B. F. Kincaid	Luther Slusher
Adron Doran	Homer E. Losey	Forrest Smith
Forest C. Easley	A. L. Love	E. A. Spencer
Bernie S. Edlin	E. H. Martin	Geo. W. Steinford
R. R. Ernst	W. E. McClure	E. L. Thompson
Tom Gilliam	Jack McPherron	Ray G. Tipton
M. B. Gilligan	Harry L. Moore	E. N. Todd
C. L. Hammonds	J. Lee Moore	Walter L. Trivette
Harold G. Helm	E. C. Mullins	S. J. Wagner
E. R. Hilton	Joe E. Nunn	Harry F. Walters
Clyde S. Howard	Louis T. Peniston	W. W. Webster
Maurice Howard	Sylvester Phillips	Morris Weintraub
Jerry F. Howell	L. W. Preston	Rodney Whitlow
Ira W. Hulette	Hobart Rayburn	John Wilborn

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Those who voted in the negative were—

Harold L. Barnes	L. A. Demumbrun	E. R. Denny

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 236. An Act relating to barbers and beauticians.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 317.240 of Kentucky Revised Statutes, second edition, 1944, be and the same is hereby repealed, amended and re-enacted so that when re-enacted the same shall read as follows:

Board of Barber and Beautician Examiners; Members; Terms; Qualifications; Appointments.

(1) The Board of Barber and Beautician Examiners shall consist of five members, three of whom shall be appointed at one time and two of whom shall be appointed at another time. Regular appointments shall be made every two years. The term of each member of the board shall be four years.

(2) The Governor shall appoint as members of the board one shop-owning barber who employs one or more journeyman barbers in his shop, one shop-owning beauty specialist who employs one or more beauty specialists in his shop, one union journeyman barber, one non-shop-owning beauty specialist, and one person of the Governor's own choosing who is qualified under sub-section 1, 3, 4 and 5 of this section.

(3) Members of the board shall be citizens of this state, at least twenty-three years of age, whose occupation is that of a barber or beauty specialist and shall have been citizens of the United States and engaged in the practice of their occupations in this state for a period of at least five years prior to their appointment.

(4) No person shall be eligible to be appointed to the board who is connected directly or indirectly with any barber school, beauty school, wholesale dealer of cosmetic supplies

or equipment used by barbers, beauty specialists, manicurists or barber or beauty culture schools or teachers.

(5) No member of the board shall teach barbering, beauty culture or manicuring while in office, nor shall any two members of the board be graduates of the same system or school of beauty culture or barbering.

Mr. Burnley offered the following amendment to said bill, viz:

Amend H. B. 236 on page 2, sec. 2, line 15 by striking out the following: "person of the Governor's own choosing who is qualified under subsections 1, 3, 4 and 5 of this section" and inserting in lieu thereof the following: "unorganized barber."

Said amendment was disagreed to.

Mr. Brown moved that said bill be laid on the Clerk's Desk.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 376 An Act relating to the license tax on dogs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The county clerk in each county, when making out the various tax lists of the county shall, when a dog or dogs have been assessed to any taxpayer, charge the taxpayer with the license tax of $1.00 for each male dog and $2.00 for each female dog, and place it on his or her tax bill for collection by the sheriff, who will upon collection deliver a tag to the taxpayer for the calendar year for the txaes of which the tax bill was made out. This is intended to be an additional means of enforcing collection of the dog license tax, and shall

not relieve the owner of the duty to procure the license and pay the tax as provided in KRS 258.170.

Sec. 2. Subsection (1) of Section 258.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county tax commissioner in each county shall annually, at the time of assessing property, make dilligent inquiry as to the number of dogs owned, harbored or kept by any person, and shall list them. The county tax commissioner shall receive ten cents per dog for each dog listed by him, to be paid out of the county livestock fund, but before the payment is made, the county tax commissioner or deputy shall make an affidavit, setting forth that he has made dilligent inquiry and visited all persons in the county to ascertain whether or not they had dogs, and has listed all dogs. On his failure to make the affidavit, he shall not receive anything for his services.

Sec. 3. Section 258.350 of the Kentucky Revised Statutes is amended to read as follows:

The sheriff or deputy sheriff shall receive ten cents for every license issued by him, to be paid out of the county livestock fund and shall be retained by the sheriff or deputy sheriff as his fee for issuing the license.

Mr. Hammonds offered the following amendment to said bill, viz:

Amend H. B. 376 on page 2 by adding after Sec. 3 the following:

"Sec. 4. The county clerk shall recieve five cents per tax bill for listing dogs owned by a taxpayer on his tax bill."

Said amendment was agreed to.

Ordered that said bill be engrossed, and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same

being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows:

Those who voted in the affirmative were—

Roy W. Arnold	Harold G. Helm	Joe E. Nunn
Harold L. Barnes	Clyde S. Howard	Sylvester Phillips
B. J. Bonn	Maurice Howard	E. F. Prichard
John Y. Brown	Jerry F. Howell	Kelse H. Risner
Chas. W. Burnley	Ira W. Hulette	J. W. Simmons
L. A. Demumbrun	W. H. Hunt	Luther Slusher
E. R. Denny	Paul Jonas	E. L. Thompson
Adron Doran	H. K. Lowman	Walter L. Trivette
Forest C. Easley	F. G. Marquette	Harry F. Walters
Bernie S. Edlin	W. E. McClure	Lyle H. Webb
Eck Embry	Jack McPherron	W. W. Webster
Tom Gilliam	Harry L. Moore	Morris Weintraub
M. B. Gilligan	J. Lee Moore	John Wilborn
C. L. Hammonds	E. C. Mullins	Mr. Speaker

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Those who voted in the negative were—

F. H. Bassett, Jr.	A. L. Love	Wade H. Riley
J. C. Bradley	E. H. Martin	Forrest Smith
R. R. Ernst	Louis T. Peniston	Geo. W. Steinford
E. R. Hilton	L. W. Preston	Ray G. Tipton
Kerby Jennings	Hobart Rayburn	E. N. Todd
Homer E. Losey		

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Committee on Rules to which the same had been referred, reported bills of the following titles, viz.:

H. B. 524. An Act making an appropriation to carry out the provisions of KRS 171.050 (5).

H. B. 525. An Act relating to cisterns and wells.

H. B. 526. An Act concerning the State Department of Libraries and Archives.

S. B. 127. An Act relating to abandoned and unclaimed property.

S. B. 159. An Act relating to admission of persons to practice law in Kentucky.

S. B. 171. An Act relating to cities of the first class; creating a City and County Board of Welfare.

S. B. 216. An Act authorizing temporary appointment of additional attorneys in Department of Highways.

S. B. 217. An Act relating to the assessment, and registration of motor vehicles.

S. B. 219. An Act relating to motor vehicles.

S. B. 244. An Act to authorize representatives of the Department of Industrial Relations to issue subpoenaes.

S. B. 152. An Act relating to pharmacy and pharmacists.

S. B. 161. An Act relating to motor vehicles.

S. B. 221. An Act relating to revenue and taxation.

S. B. 222. An Act relating to revenue and taxation.

S. B. 223. An Act appropriating money for the payment of certain claims.

S. B. 238. An Act authorizing the municipal corporations of the fourth class to issue warrants payable from the income of electric and water plants.

S. B. 241. An Act to regulate Industrial Life Insurance.

S. B. 242. An Act relating to insurance of State lands and buildings.

S. B. 255. An Act relating to alcoholic beverages.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Runyon of the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

S. B. 33. An Act relating to primary and general elections.

S. B. 17. An Act relating to collection of school tax.

S. B. 206. An Act relating to construction, maintenance and operation of flood control systems.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

Mr. Howell moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, MARCH 14, 1946

The House was called to order by the Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend E. C. Duckett of the Church of the Nazarene of Frankfort.

The roll was called and the following members answered to their names, viz:

C. W. Anderson	A. H. Eversole	F. G. Marquette
Roy W. Arnold	Henry J. Giles	E. H. Martin
Walter J. Bailey	Tom Gilliam	W. E. McClure
F. O. Baker	M. B. Gilligan	Jack McPherren
Harold L. Barnes	Otto W. Goff	Harry L. Moore
F. H. Bassett, Jr.	R. M. Hall	J. Lee Moore
Ott Begley	Harold G. Helm	Fred Morgan
W. G. Biggers	E. R. Hilton	Joe T. Morgan
Jack Bingham	Clyde S. Howard	E. C. Mullins
B. J. Bonn	Maurice Howard	Rodes K. Myers
J. C. Bradley	Jerry F. Howell	J. C. Newcomb
John Y. Brown	J. J. Huff	Thos. A. Noe
Mrs. Mary Burnett	Ira W. Hulette	Joe E. Nunn
Chas. W. Burnley	W. H. Hunt	Louis T. Peniston
W. K. Coleman	Kerby Jennings	Sylvester Phillips
Fred Creasy	Paul Jonas	L. W. Preston
S. J. Daugherty	L. H. Jones	E. F. Prichard
L. A. Demumbrun	B. F. Kincaid	Hobart Rayburn
E. R. Denny	G. O. Kirkpatrick	Wade H. Riley
Adron Doran	Edgar Kitchen	Kelse H. Risner
G. I. Drury	Homer E. Losey	Amos Runyan
Forest C. Easley	A. L. Love	Luther Slusher
Bernie S. Edlin	H. K. Lowman	Forrest Smith
Eck Embry	E. J. Lucas	W. R. Smith
R. R. Ernst	Ed Marcum	E. A. Spencer

Paul J. Stapleton	E. N. Todd	Geo. J. Weining
Geo. W. Steinford	Walter L. Trivette	Morris Weintraub
Ralph G. Stone	S. J. Wagner	Rodney Whitlow
E. L. Thompson	Harry F. Walters	John Wilborn
Ray G. Tipton	Lyle H. Webb	Mr. Speaker

Mr. Howell moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Denny moved that the privilege of the floor be extended to Miss Ruth Lawson, Miss Goldie Baker, and Messrs. Alvin Davis and Ed Watson.

Said motion was agreed to.

Mr. Todd moved that the privilege of the floor be exextended to Mr. R. Josh Cosley.

Said motion was agreed to.

Mr. Begley moved that the privilege of the floor be extended to Mr. George Edington.

Said motion was agreed to.

At the instance of the Committee on Rules, the following bills were introduced, viz:

By Mr. Stone.

H. B. 527. An Act to perfect the Kentucky Revised Statutes and Codes of Practice.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Paragraph 1 of Section 428 of the Civil Codes of Practice is amended as follows:

1. A representative, legatee, distributee or creditor of a deceased person may bring an action in equity for the settlement of his estate, provided that no such suit shall be brought by any of the parties named except the personal representative until the expiration of five months after the qualification of such representative.

§ 2. Subsection (2) of Section 7.020 of the Kentucky Revised Statutes is amended to read as follows:

(2) The appointed members shall hold office until the next regular session of the General Assembly, except that if any House or Senate member appointed to the Council is not re-elected to membership in the house of which he is a member, his term of office shall automatically end on the 15th day of November succeeding the election. The Lieutenant-Governor and the Speaker of the House shall continue to be ex officio members of the Council until their successors are elected and qualified:

§ 3. 12.020 of the Kentucky Revised Statutes is amended to read as follows:

Except as otherwise provided by law, the functions of the state are divided among the constitutional administrative departments, statutory administrative departments and independent agencies as follows:

I. Constitutional Administrative Departments.
1. The Governor.
2. Department of State.
3. Department of Law.
4. Department of the Treasury.
5. Department of Agriculture, Labor and Statistics.
6. Department of Education.
7. Department of Military Affairs.

II. Statutory Administrative Departments:
1. Department of Finance.
2. Department of Revenue.
3. Department of Highways.
4. Department of Welfare.
5. Department of Health.
6. Department of Industrial Regulation.
7. Department of Business Regulations.

8. Department of Conservation.
9. Department of Library and Archives.
10. Department of Mines and Minerals.
11. Department of Alcoholic Beverage Control.
12. Department of Banking.

III. Independent Agencies:
1. Auditor of Public Accounts.
2. Legislative Council.
3. Board of Election Commissioners.
4. Board of Registration and Purgation.
5. Railroad Commission.
6. State Racing Commission.
7. Public Service Commission.
8. County Debt Commission.
9. Soil Conservation Committee.
10. Aeronautic Commission.
11. Statute Revision Commission.
12. Division of Game and Fish.

§ 4. Section 15.130 of the Kentucky Revised Statutes is amended to read as follows:

The Attorney General shall, with the approval of the Commissioner of Alcoholic Beverage Control, appoint an Assistant Attorney General whose sole duty shall be to act as legal counsel for the Distilled Spirits Unit and the Malt Beverage Unit of the Department of Alcoholic Beverage Control. He shall be paid an annual salary not to exceed $4,000 from the appropriations for the Department of Alcoholic Beverage Control.

§ 5. Section 28.150 of the Kentucky Revised Statutes is repealed.

§ 6. Subsection (3) of Section 29.070 of the Kentucky Revised Statutes is repealed.

§ 7. Sections 39.010 to 39.090 of the Kentucky Revised Statutes are repealed.

§ 8. Sections 39.100 to 39.210 of the Kentucky Revised Statutes are repealed.

§ 9. Sections 39.220 to 39.280 of the Kentucky Revised Statutes are repealed.

§ 10. Section 39.290 of the Kentucky Revised Statutes is repealed.

§ 11. Subsection (2) of Section 47.010 of the Kentucky Revised Statutes is amended to read as follows:

(2) All revenue realized from the gasoline tax imposed by KRS 138.220 or from any gasoline taxes hereafter imposed by law, all revenue realized from the motor vehicle fuel tax imposed by KRS 138.360, all revenue received from motor vehicle registration fees, operators' license fees collected under the provisions of KRS Chapter 186, and all revenue received from the motor vehicle usage tax imposed by KRS 138.460, shall be credited to the State Road Fund.

§ 12. Section 120.020 of the Kentucky Revised Statutes is amended to read as follows:

The electors of President and Vice President of the United States shall convene at the State Capitol, on the day and at the hour specified by Act of Congress, give their votes and make return thereof according to law. If any elector fails to attend by the hour specified for giving the vote, those in attendance shall fill his place by the election of another person, who shall have the same powers as if originally elected by the people.

§ 13. Section 133.015 of the Kentucky Revised Statutes is repealed.

§ 14. Subsection (10) of section 136.990 of the Kentucky Revised Statutes is repealed.

§ 15. The introductory sentence and paragraph (h) of subsection (1) of Section 142.010 of the Kentucky Revised Statutes are amended to read as follows:

(1) The following taxes shall be paid:

xxxxxxxx

(h) A tax of fifty cents on each original action in the circuit court commencing with or without original process; on each original action in other courts when the amount in controversy, exclusive of interest and costs, exceeds fifty dollars; on each appeal to the circuit or quarterly court; on each traverse of forcible entry or detainer; and on each proceeding to revive a judgment.

§ 16. Section 148.180 of the Kentucky Revised Statutes is repealed.

§ 17. Sections 157.070, 157.080 and 157.090 of the Kentucky Revised Statutes are repealed.

§ 18. Section 162.300 of the Kentucky Revised Statutes is amended to read as follows:

County boards of education and boards of education of independent districts not embracing a city of any class may obtain buildings for school purposes by proceeding under the provisions of KRS 162.120 to 162.290. When applied to such boards of education, KRS 162.120 to 162.290 shall be so read that the term:

(1) "City" means "county."

(2) "City clerk" means "county clerk."

(3) "Governing body of the city" means "fiscal court."

(4) "Mayor or chairman of the board of trustees" means "county judge."

(5) "Ordinance" means "resolution."

§ 19. Sections 199.031 to 199.034 of the Kentucky Revised Statutes are repealed.

§ 20. Section 213.150 of the Kentucky Revised Statutes is amended to read as follows:

Each local registrar, and each physician or registered midwife, shall be entitled to be paid the sum of twenty-five cents for each birth certificate and each death certificate properly and completely made out and registered with or reported by him, and correctly copied and duly returned to the Division of Vital Statistics. In case no births or deaths are registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report to that effect promptly made in accordance with this chapter. All amounts payable to registrars, physicians or midwives under this section shall be paid by the Treasurer of the county in which the registration districts are located, upon certification by the Division of Vital Statistics. The Division of Vital Statistics shall annually certify to the treasurers of the several counties the number of births and deaths registered, with the names of the local registrars and the

amounts due each at the rates fixed herein. No local registrar or deputy registrar, sexton, physician or undertaker shall charge a fee for complying with the provisions of this chapter to any member of a family in which a birth or death may occur.

§ 21. Section 34 of Chapter 154 of the Acts of 1944, purporting to amend Section 243.280 of the Kentucky Revised Statutes of 1942, is repealed, and said Section 243.280 is reenacted to read as follows:

A malt beverage retailer's license shall authorize the licensee to sell malt beverages at retail from the licensed premises only, and to purchase malt beverages only from a brewer or distributor.

§ 22. Section 243.595 of the Kentucky Revised Statutes is repealed.

§ 23. Sections 247.390 to 247.460 of the Kentucky Revised Statutes are repealed.

§ 24. A new section of the statutes is created, to be numbered KRS 296.245 and to read as follows:

Fidelity and guaranty companies incorporated under the laws of any other state or of the United States shall comply with all provisions of law applicable to fire and marine insurance companies of other states, doing business in this state.

§ 25. Section 303.120 of the Kentucky Revised Statutes is repealed.

§ 26. Section 371.050 of the Kentucky Revised Statutes is amended to read as follows:

In an action on any assignment of a writing, by an assignee against an assignor, the consideration for the assignment shall be averred, and the plaintiff shall recover no more than the consideration actually paid by him for the note or assignment.

§ 27. Section 395.090 of the Kentucky Revised Statutes is repealed.

§ 28. Subsection (1) of Section 404.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) A married woman may acquire and hold property, real and personal, by gift, devise or descent, or by purchase,

and may, in her own name, as if she were unmarried, sell and dispose of her personal property. She may make contracts, and sue and be sued, as a single woman. She may rent out her real estate, and collect, receive and recover in her own name the rents thereof, and make contracts for the improvement thereof.

§ 29. Section 413.240 of the Kentucky Revised Statutes is amended to read as follows:

The limitations given in KRS 413.220 and 413.230 shall not apply to the time elapsed when there was no executor, administrator or other person authorized to commence an action, nor to the five months during which an action cannot be brought against a personal representative, nor to any delay assented to by the surety in writing. If judgment is rendered for the plaintiff in any case provided for in those sections and it is afterwards reversed or arrested so that the plaintiff takes nothing by it, he may commence another action within one year thereafter. If the surety absconds, conceals himself or by removal from the state or otherwise, obstructs or hinders his being sued the time of such obstruction shall not be counted as part of the time of limitation allowed by those sections. If the judgment is obstructed by appeal, supersedeas or injunction the time of such obstruction shall also be disallowed.

By Mr. McPherron.

H. B. 528. An Act appropriating money to supply a deficiency in the Department of Military Affairs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. There is hereby appropriated out of the General Expenditure Fund in the State Treasury as of the effective date of this Act, the sum of $15,000, to the Veterans' Division of the Department of Military Affairs, for the fiscal year ending June 30, 1946.

Sec. 2. WHEREAS, the funds heretofore appropriated for the Disabled Ex-Service Men's Board in the Veterans' Division of the Department of Military Affairs are exhausted, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Bassett.

H. B. 529. An Act providing for a refund of tax paid on motor fuel used in the operation of aircraft.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.345 of the Kentucky Revised Statutes is amended to read as follows:

(1) Tax paid pursuant to the provisions of KRS 138.210 to 138.340 upon liquid fuel designed for use in aircraft motors and used in the operation of aircraft engaged in the transportation of persons and property may be refunded. No tax shall be refunded except that paid upon such fuel used exclusively in such aircraft motors.

(2) No person shall be entitled to a refund hereunder unless he shall have first filed with the Department of Revenue a bond with approved surety in an amount of not less than one-hundred ($100.00) dollars nor more than one-thousand ($1000.00) dollars to be determined by the Department of Revenue, conditioned upon the faithful compliance with this section and KRS 138.346 and upon the payment to the Commonwealth of any refunds to which he was not entitled.

Ordered that said bills be printed and referred

To the Committee on Rules.

Mr. Jennings moved that a bill entitled:

H. B. 24. An Act relating to custody pending trial.

Be taken from the hands of the Committee on Rules for immediate consideration.

Said motion was disagreed to, having failed to receive a Constitutional majority.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	A. H. Eversole	E. C. Mullins
Roy W. Arnold	Tom Gilliam	Rodes K. Myers
Harold L. Barnes	Otto W. Goff	J. C. Newcomb
Ott Begley	J. J. Huff	Thos. A. Noe
W. G. Biggers	W. H. Hunt	Sylvester Phillips
Jack Bingham	Kerby Jennings	Wade H. Riley
B. J. Bonn	L. H. Jones	J. W. Simmons
Mrs. Mary Burnett	B. F. Kincaid	W. R. Smith
W. K. Coleman	G. O. Kirkpatrick	E. A. Spencer
Fred Creasey	Edgar Kitchen	Paul J. Stapleton
S. J. Daugherty	E. J. Lucas	E. L. Thompson
L. A. Demumbrun	E. H. Martin	Ray G. Tipton
E. R. Denny	W. E. McClure	Lyle H. Webb
G. I. Drury	Jack McPherron	Morris Weintraub
Forest C. Easley	Harry L. Moore	Rodney Whitlow
Bernie S. Edlin	Fred Morgan	John Wilborn
Eck Embry	Joe T. Morgan	—50

Those who voted in the negative were—

F. O. Baker	Maurice Howard	L. W. Preston
F. H. Bassett, Jr.	Jerry F. Howell	Kelse H. Risner
J. C. Bradley	Ira W. Hulette	Amos Runyan
John Y. Brown	Paul Jonas	Luther Slusher
Chas. W. Burnley	Homer E. Losey	Forrest Smith
Adron Doran	A. L. Love	Geo. W. Steinford
M. B. Gilligan	H. K. Lowman	Ralph G. Stone
R. M. Hall	Ed Marcum	E. N. Todd
Harold G. Helm	F. G. Marquette	S. J. Wagner
E. R. Hilton	J. Lee Moore	Harry F. Walters
Clyde S. Howard	Louis T. Peniston	—32

Mr. Whitlow moved that a bill entitled:

H. B. 278. An Act relating to county school superintendents.

Be taken from the hands of the Committee on Rules, for immediate consideration.

Said motion was disagreed to, having failed to receive a Constitutional majority.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	J. J. Huff	J. C. Newcomb
Roy W. Arnold	W. H. Hunt	Thos A. Noe
Walter J. Bailey	Kerby Jennings	Joe E. Nunn
Ott Begley	L. H. Jones	Sylvester Phillips
Jack Bingham	B. F. Kincaid	J. W. Simmons
B. J. Bonn	G. O. Kirkpatrick	W. R. Smith
Fred Creasey	Edgar Kitchen	E. A. Spencer
L. A. Demumbrun	E. J. Lucas	Paul J. Stapleton
E. R. Denny	E. H. Martin	E. L. Thompson
G. I. Drury	W. E. McClure	Ray G. Tipton
Forest C. Easley	Jack McPherron	Lyle H. Webb
Bernie S. Edlin	Harry L. Moore	Morris Weintraub
Eck Embry	Joe T. Morgan	Rodney Whitlow
A. H. Eversole	E. C. Mullins	John Wilborn
Tom Gilliam	Rodes K. Myers	—44

Those who voted in the negative were—

F. O. Baker	Maurice Howard	L. W. Preston
F. H. Bassett, Jr.	Jerry F. Howell	Wade H. Riley
J. C. Bradley	Ira W. Hulette	Kelse H. Risner
John Y. Brown	Paul Jonas	Amos Runyan
Mrs. Mary Burnett	Homer E. Losey	Luther Slusher
Chas. W. Burnley	A. L. Love	Forrest Smith
S. J. Daugherty	H. K. Lowman	Ralph G. Stone
Adron Doran	Ed Marcum	E. N. Todd
M. B. Gilligan	F. G. Marquette	Walter L. Trivette
Harold G. Helm	J. Lee Moore	S. J. Wagner
E. R. Hilton	Fred Morgan	Harry F. Walters
Clyde S. Howard	Louis T. Peniston	—35

Mr. Doran moved that the vote by which the House refused to take said bill from the hands of the Committee on Rules, be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 524. An Act making an appropriation to carry out the provisions of KRS 171.050 (5).

H. B. 525. An Act relating to cisterns and wells.

H. B. 526. An Act concerning the State Department of Libraries and Archives.

S. B. 127. An Act relating to abandoned and unclaimed property.

S. B. 159. An Act relating to admission of persons to practice law in Kentucky.

S. B. 171. An Act relating to cities of the first class; creating a City and County Board of Welfare.

S. B. 216. An Act authorizing temporary appointment of additional attorneys in Department of Highways.

S. B. 217. An Act relating to the assessment, and registration of motor vehicles.

S. B. 219. An Act relating to motor vehicles.

S. B. 244. An Act to authorize representatives of the Department of Industrial Relations to issue subpoenaes.

S. B. 152. An Act relating to pharmacy and pharmacists.

S. B. 161. An Act relating to motor vehicles.

S. B. 221. An Act relating to revenue and taxation.

S. B. 222. An Act relating to revenue and taxation.

S. B. 223. An Act appropriating money for the payment of certain claims.

S. B. 238. An Act authorizing the municipal corporations of the fourth class to issue warrants payable from the income of electric and water plants.

S. B. 241. An Act to regulate Industrial Life Insurance.

S. B. 242. An Act relating to insurance of State lands and buildings.

S. B. 255. An Act relating to alcoholic beverages.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 65. Resolution authorizing Mrs. Elizabeth McDonald, to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That Elizabeth McDonald, of Garrison, Lewis County, Kentucky, personal representative of George Mc-

Donald, deceased, be, and she hereby is, authorized, empowered and permitted to file a suit or suits against the Commonwealth of Kentucky and/or Department of Highways of Kentucky, or either of them, for the purpose of determining the liability of the Commonwealth of Kentucky and/or Department of Highways of Kentucky, or either, for such injuries, death and damages, if any there be, arising from the above stated facts; and in the event any judgment is recovered by said Elizabeth McDonald, or said judgments or suits are compromised and settled, the judgments or amounts agreed on in compromise, if any, shall be paid by the Director of Finance by warrant drawn on the State Treasurer and paid out of the general fund. The amount of recovery or settlement shall be limited to a sum not to exceed $10,000.00.

Sec. 2. Said action or actions may be brought in any county having jurisdiction of the parties and subject matter. The Statute of Limitations as now provided by law shall not be a bar to said action.

Sec. 3. Either party to said suit may appeal from any judgment which may be entered therein, as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky, in the same way as any other civil case.

Mr. Rayburn offered the following amendment to said resolution, viz.:

Amend H. Res. 65 on page 2, sec. 1 lines 13 and 14 by striking all of lines 13 and 14 of sec. 1 and inserting in lieu thereof the following: "the State Road Fund. The amount of recovery or settlement shall be limited to a sum not to exceed $6,000.00"

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with and

the same being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Joe E. Nunn
Walter J. Bailey	Clyde S. Howard	Louis T. Peniston
F. O. Baker	Jerry F. Howell	E. F. Prichard
Harold L. Barnes	J. J. Huff	Kelse H. Risner
F. H. Bassett, Jr.	Ira W. Hulette	Amos Runyan
Ott Begley	B. F. Kincaid	J. W. Simmons
W. G. Biggers	G. O. Kirkpatrick	Luther Slusher
B. J. Bonn	Edgar Kitchen	Forrest Smith
J. C. Bradley	Homer E. Losey	W. R. Smith
John Y. Brown	H. K. Lowman	Paul J. Stapleton
Mrs. Mary Burnett	E. J. Lucas	L. S. Stephens
Chas. W. Burnley	Ed Marcum	Ralph G. Stone
W. K. Coleman	F. G. Marquette	E. L. Thompson
Fred Creasey	E. H. Martin	Ray G. Tipton
S. J. Daugherty	W. E. McClure	E. N. Todd
E. R. Denny	Jack McPherron	Walter L. Trivette
Adron Doran	Harry L. Moore	S. J. Wagner
G. I. Drury	J. Lee Moore	Harry F. Walters
Forest C. Easley	Fred Morgan	Lyle H. Webb
M. B. Gilligan	E. C. Mullins	Rodney Whitlow
Harold G. Helm	J. C. Newcomb	John Wilborn

—63

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was adopted, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 97. Resolution authorizing payment of a claim against the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

It appearing that the Commonwealth of Kentucky is indebted to The Kister Company in the sum of $180.48 for materials furnished the Division of Engineers, Central State Hospital, Lakeland, Kentucky, for which funds are not otherwise available and further that the said claim is a just claim against the Commonwealth of Kentucky. The Director of Finance shall draw its warrant upon the State Treasurer of the Commonwealth of Kentucky in the sum of $180.48 and the Treasurer of the Commonwealth of Kentucky is directed to issue his check in the said amount payable to The Kister Company.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	W. K. Coleman	J. J. Huff
Walter J. Bailey	Fred Creasey	Ira W. Hulette
F. O. Baker	S. J. Daugherty	B. F. Kincaid
Harold L. Barnes	E. R. Denny	G. O. Kirkpatrick
F. H. Bassett, Jr.	Adron Doran	Edgar Kitchen
Ott Begley	G. I. Drury	Homer E. Losey
W. G. Biggers	Forest C. Easley	H. K. Lowman
B. J. Bonn	M. B. Gilligan	E. J. Lucas
J. C. Bradley	Harold G. Helm	Ed Marcum
John Y. Brown	E. R. Hilton	F. G. Marquette
Mrs. Mary Burnett	Clyde S. Howard	E. H. Martin
Chas. W. Burnley	Jerry F. Howell	W. E. McClure

Jack McPherron	Kelse H. Risner	E. L. Thompson
Harry L. Moore	Amos Runyan	Ray G. Tipton
J. Lee Moore	J. W. Simmons	E. N. Todd
Fred Morgan	Luther Slusher	Walter L. Trivette
E. C. Mullins	Forrest Smith	S. J. Wagner
J. C. Newcomb	W. R. Smith	Harry F. Walters
Joe E. Nunn	Paul J. Stapleton	Lyle H. Webb
Louis T. Peniston	L. S. Stephens	Rodney Whitlow
E. F. Prichard	Ralph G. Stone	John Wilborn

—63

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 112. Resolution authorizing John F. Snow to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That John F. Snow is authorized to sue the Commonwealth of Kentucky in Fayette Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $350.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the

General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson
Walter J. Bailey
F. O. Baker
Harold L. Barnes
F. H. Bassett, Jr.
Ott Begley
W. G. Biggers
B. J. Bonn
J. C. Bradley
John Y. Brown
Mrs. Mary Burnett
Chas. W. Burnley
W. K. Coleman
Fred Creasey
S. J. Daugherty
E. R. Denny
Adron Doran
G. I. Drury
Forest C. Easley
M. B. Gilligan
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Jerry F. Howell
J. J. Huff
Ira W. Hulette
B. F. Kincaid
G. O. Kirkpatrick
Edgar Kitchen
Homer E. Losey
H. K. Lowman
E. J. Lucas
Ed Marcum
F. G. Marquette
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. Lee Moore
Fred Morgan
E. C. Mullins
J. C. Newcomb
Joe E. Nunn
Louis T. Peniston
E. F. Prichard
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
Paul J. Stapleton
L. S. Stephens
Ralph G. Stone
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
S. J. Wagner
Harry F. Walters
Lyle H. Webb
Rodney Whitlow
John Wilborn

—63

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 113. Resolution authorizing the payment of a claim against the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

It appearing that the Commonwealth of Kentucky is indebted to Lewis Kaye, Vice-Chairman of the Kentucky Aeronautics Commission, in the amount set forth herein and for the reasons herein indicated and it further appearing that said claim is just against the Commonwealth, the Commissioner of Finance is hereby authorized and directed to pay said claim when presented, and the amount necessary to pay said claim is hereby appropriated out of the General Fund for that purpose:

NAME-ADDRESS	AMOUNT	REASON
Lewis Kaye Harrods Creek, Kentucky	$277.41	Use of individual airplane for official business of the Commonwealth.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in acordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Joe E. Nunn
Walter J. Bailey	Clyde S. Howard	Louis T. Peniston
F. O. Baker	Jerry F. Howell	E. F. Prichard
Harold L. Barnes	J. J. Huff	Kelse H. Risner
F. H. Bassett, Jr.	Ira W. Hulette	Amos Runyan
Ott Begley	B. F. Kincaid	J. W. Simmons
W. G. Biggers	G. O. Kirkpatrick	Luther Slusher
B. J. Bonn	Edgar Kitchen	Forrest Smith
J. C. Bradley	Homer E. Losey	W. R. Smith
John Y. Brown	H. K. Lowman	Paul J. Stapleton
Mrs. Mary Burnett	E. J. Lucas	L. S. Stephens
Chas. W. Burnley	Ed Marcum	Ralph G. Stone
W. K. Coleman	F. G. Marquette	E. L. Thompson
Fred Creasey	E. H. Martin	Ray G. Tipton
S. J. Daugherty	W. E. McClure	E. N. Todd
E. R. Denny	Jack McPherron	Walter L. Trivette
Adron Doran	Harry L. Moore	S. J. Wagner
G. I. Drury	J. Lee Moore	Harry F. Walters
Forest C. Easley	Fred Morgan	Lyle H. Webb
M. B. Gilligan	E. C. Mullins	Rodney Whitlow
Harold G. Helm	J. C. Newcomb	John Wilborn

—63

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 5. Resolution providing for the purchase of 550 copies of the Kentucky Directory.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated $1,100.00 out of the General Expenditure Fund to be used by the State Librarian for the purchase of the Kentucky Directory, 1946 Edition.

Section 2. That the State Librarian shall purchase, at not exceeding two dollars per copy, five hundred and fifty copies of the book entitled "Kentucky Directory 1946", for use of the Courts, state and county officers and members of the General Assembly. The Librarian shall furnish the members of the General Assembly and such officers as are designated by the presiding officers of the respective houses a copy of same and shall furnish the state officials with copies thereof and shall send a copy to the circuit court clerk of each county in the state to be kept in his office. The Librarian shall furnish to the Librarian of each state and territory of the Union a copy of said book, and a copy to the Librarian of Congress, and shall deliver to the Secretary of State fifty copies to be exchanged with the Secretaries of State of other states for directories of their state. Upon receipt of the books the Librarian shall certify the bill therefor to the Commissioner of Finance and he shall draw his warrant on the State Treasurer for the amount certified which shall be paid out of the General Expenditure Fund.

Section 3. It being necessary that the officers should have the books herein provided for at once, an emergency is declared and this resolution shall take effect upon its adoption and approval by the Governor.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Joe E. Nunn
Walter J. Bailey	Clyde S. Howard	Louis T. Peniston
F. O. Baker	Jerry F. Howell	E. F. Prichard
Harold L. Barnes	J. J. Huff	Kelse H. Risner
F. H. Bassett, Jr.	Ira W. Hulette	Amos Runyan
Ott Begley	B. F. Kincaid	J. W. Simmons
W. G. Biggers	G. O. Kirkpatrick	Luther Slusher
B. J. Bonn	Edgar Kitchen	Forrest Smith
J. C. Bradley	Homer E. Losey	W. R. Smith
John Y. Brown	H. K. Lowman	Paul J. Stapleton
Mrs. Mary Burnett	E. J. Lucas	L. S. Stephens
Chas. W. Burnley	Ed Marcum	Ralph G. Stone
W. K. Coleman	F. G. Marquette	E. L. Thompson
Fred Creasey	E. H. Martin	Ray G. Tipton
S. J. Daugherty	W. E. McClure	E. N. Todd
E. R. Denny	Jack McPherron	Walter L. Trivette
Adron Doran	Harry L. Moore	S. J. Wagner
G. I. Drury	J. Lee Moore	Harry F. Walters
Forest C. Easley	Fred Morgan	Lyle H. Webb
M. B. Gilligan	E. C. Mullins	Rodney Whitlow
Harold G. Helm	J. C. Newcomb	John Wilborn

—63

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules The House took up for consideration from Orders of the Day, a Resolution entitled:

S. Res. 31. Resolution authorizing D. G. Young of Beaver Dam, to sue the Commonwealth.

Said Resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That, D. G. Young, of Beaver Dam, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Ohio Circuit Court for property damage caused by the alleged negligence on the part of the Department of Highways and its employees in the construction of a highway.

Said suit shall be in a sum not to exceed twelve thousand dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Ordered that said resolution be read for the third time.

The Constitutional provision as to the third reading of of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

Yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	B. J. Bonn	S. J. Daugherty
Walter J. Bailey	J. C. Bradley	E. R. Denny
F. O. Baker	John Y. Brown	Adron Doran
Harold L. Barnes	Mrs. Mary Burnett	G. I. Drury
F. H. Bassett, Jr.	Chas. W. Burnley	Forest C. Easley
Ott Begley	W. K. Coleman	M. B. Gilligan
W. G. Biggers	Fred Creasey	Harold G. Helm

E. R. Hilton	W. E. McClure	Forrest Smith
Clyde S. Howard	Jack McPherron	W. R. Smith
Jerry F. Howell	Harry L. Moore	Paul J. Stapleton
J. J. Huff	J. Lee Moore	L. S. Stephens
Ira W. Hulette	Fred Morgan	Ralph G. Stone
B. F. Kincaid	E. C. Mullins	E. L. Thompson
G. O. Kirkpatrick	J. C. Newcomb	Ray G. Tipton
Edgar Kitchen	Joe E. Nunn	E. N. Todd
Homer E. Losey	Louis T. Peniston	Walter L. Trivette
H. K. Lowman	E. F. Prichard	S. J. Wagner
E. J. Lucas	Kelse H. Risner	Harry F. Walters
Ed Marcum	Amos Runyan	Lyle H. Webb
F. G. Marquette	J. W. Simmons	Rodney Whitlow
E. H. Martin	Luther Slusher	John Wilborn

—63

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 49. Resolution authorizing W. Henry Grimes to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

THAT W. Henry Grimes is hereby authorized to sue the Commonwealth of Kentucky, in the Warren Circuit Court, Warren County, Kentucky, to recover the amount due and owing to him for services as tax commissioner of Warren County, Kentucky, for the years 1930 to 1934, inclusive.

Said suit shall be for a sum not to exceed $1,200.00 and accrued interest.

The Statute of Limitations shall not be a bar to this action.

The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth and settle said claim before suit is filed, if he deems advisable. Any amount recovered in said suit, either by settlement with the Attorney General or a judgment rendered, shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered either by the court or jury as an admission upon the part of the Commonwealth, or of any of its agencies or employees, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read for the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Chas. W. Burnley	Clyde S. Howard
Walter J. Bailey	W. K. Coleman	Jerry F. Howell
F. O. Baker	Fred Creasey	J. J. Huff
Harold L. Barnes	S. J. Daugherty	Ira W. Hulette
F. H. Bassett, Jr.	E. R. Denny	B. F. Kincaid
Ott Begley	Adron Doran	G. O. Kirkpatrick
W. G. Biggers	G. I. Drury	Edgar Kitchen
B. J. Bonn	Forest C. Easley	Homer E. Losey
J. C. Bradley	M. B. Gilligan	H. K. Lowman
John Y. Brown	Harold G. Helm	E. J. Lucas
Mrs. Mary Burnett	E. R. Hilton	Ed Marcum

F. G. Marquette	Louis T. Peniston	Ralph G. Stone
E. H. Martin	E. F. Prichard	E. L. Thompson
W. E. McClure	Kelse H. Risner	Ray G. Tipton
Jack McPherron	Amos Runyan	E. N. Todd
Harry L. Moore	J. W. Simmons	Walter L. Trivette
J. Lee Moore	Luther Slusher	S. J. Wagner
Fred Morgan	Forrest Smith	Harry F. Walters
E. C. Mullins	W. R. Smith	Lyle H. Webb
J. C. Newcomb	Paul J. Stapleton	Rodney Whitlow
Joe E. Nunn	L. S. Stephens	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 50. Resolution authorizing Andrew J. Riley to to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Andrew J. Riley of Buckhorn, Perry County, Ky., is hereby authorized and empowered to institute an action in the Perry County Circuit Court against the Commonwealth of Kentucky and the Highway Department of the Commonwealth of Kentucky, to recover damages for and on account of injury and damage to his real estate caused by carelessness and negligence of employees of said Highway Department and the Commonwealth of Kentucky in the construction of State Highway between Chavies, Kentucky, and Buckhorn, Ky.

Said suit not to exceed the sum of $1500.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Fred Creasey	B. F. Kincaid
Walter J. Bailey	S. J. Daugherty	G. O. Kirkpatrick
F. O. Baker	E. R. Denny	Edgar Kitchen
Harold L. Barnes	Adron Doran	Homer E. Losey
F. H. Bassett, Jr.	G. I. Drury	H. K. Lowman
Ott Begley	Forest C. Easley	E. J. Lucas
W. G. Biggers	M. B. Gilligan	Ed Marcum
B. J. Bonn	Harold G. Helm	F. G. Marquette
J. C. Bradley	E. R. Hilton	E. H. Martin
John Y. Brown	Clyde S. Howard	W. E. McClure
Mrs. Mary Burnett	Jerry F. Howell	Jack McPherron
Chas. W. Burnley	J. J. Huff	Harry L. Moore
W. K. Coleman	Ira W. Hulette	J. Lee Moore

Fred Morgan	J. W. Simmons	Ray G. Tipton
E. C. Mullins	Luther Slusher	E. N. Todd
J. C. Newcomb	Forrest Smith	Walter L. Trivette
Joe E. Nunn	W. R. Smith	S. J. Wagner
Louis T. Peniston	Paul J. Stapleton	Harry F. Walters
E. F. Prichard	L. S. Stephens	Lyle H. Webb
Kelse H. Risner	Ralph G. Stone	Rodney Whitlow
Amos Runyan	E. L. Thompson	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 51. Resolution authorizing George G. Logan to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That George Gene Logan, an infant, 7 years of age, is authorized, through and by his statutory guardian or next friend to, to sue the Commonwealth of Kentucky in the Letcher Circuit Court for damages resulting to his person and proximately caused by and resulting from negligence of employees of the Highway Department of the Commonwealth of Kentucky, while in their line of duty. Said suit shall be for a sum not in excess of $2500.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of

the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth; and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only and adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Forest C. Easley	Jack McPherron
Walter J. Bailey	M. B. Gilligan	Harry L. Moore
F. O. Baker	Harold G. Helm	J. Lee Moore
Harold L. Barnes	E. R. Hilton	Fred Morgan
F. H. Bassett, Jr.	Clyde S. Howard	E. C. Mullins
Ott Begley	Jerry F. Howell	J. C. Newcomb
W. G. Biggers	J. J. Huff	Joe E. Nunn
B. J. Bonn	Ira W. Hulette	Louis T. Peniston
J. C. Bradley	B. F. Kincaid	E. F. Prichard
John Y. Brown	G. O. Kirkpatrick	Kelse H. Risner
Mrs. Mary Burnett	Edgar Kitchen	Amos Runyan
Chas. W. Burnley	Homer E. Losey	J. W. Simmons
W. K. Coleman	H. K. Lowman	Luther Slusher
Fred Creasey	E. J. Lucas	Forrest Smith
S. J. Daugherty	Ed Marcum	W. R. Smith
E. R. Denny	F. G. Marquette	Paul J. Stapleton
Adron Doran	E. H. Martin	L. S. Stephens
G. I. Drury	W. E. McClure	Ralph G. Stone

E. L. Thompson	Walter L. Trivette	Lyle H. Webb
Ray G. Tipton	S. J. Wagner	Rodney Whitlow
E. N. Todd	Harry F. Walters	John Wilborn

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Mr. Howell offered the following amendment to the title of said resolution, viz.:

Amend S. Res. 51 by striking therefrom the entire title and inserting in lieu therefor, the following:

A Joint Resolution authorizing George Gene Logan, through his statutory guardian or next friend, to sue the Commonwealth of Kentucky.

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Howell moved that the vote by which said resolution was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 53. Resolution authorizing John Robert Gray to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of the estate of John Robert Gray is authorized to sue the Commonwealth of Kentucky in the Fayette Circuit Court for damages resulting from the death of John Robert Gray caused by alleged negligence on the part of the employees or members of the Kentucky Active Militia of the Commonwealth of Kentucky while said employees or members were in the line of duty as em-

ployees or members of the Kentucky Active Militia of this Commonwealth.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provisions as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	W. K. Coleman	J. J. Huff
Walter J. Bailey	Fred Creasey	Ira W. Hulette
F. O. Baker	S. J. Daugherty	B. F. Kincaid
Harold L. Barnes	E. R. Denny	G. O. Kirkpatrick
F. H. Bassett, Jr.	Adron Doran	Edgar Kitchen
Ott Begley	G. I. Drury	Homer E. Losey
W. G. Biggers	Forest C. Easley	H. K. Lowman
B. J. Bonn	M. B. Gilligan	E. J. Lucas
J. C. Bradley	Harold G. Helm	Ed Marcum
John Y. Brown	E. R. Hilton	F. G. Marquette
Mrs. Mary Burnett	Clyde S. Howard	E. H. Martin
Chas. W. Burnley	Jerry F. Howell	W. E. McClure

Jack McPherron	Kelse H. Risner	E. L. Thompson
Harry L. Moore	Amos Runyan	Ray G. Tipton
J. Lee Moore	J. W. Simmons	E. N. Todd
Fred Morgan	Luther Slusher	Walter L. Trivette
E. C. Mullins	Forrest Smith	S. J. Wagner
J. C. Newcomb	W. R. Smith	Harry F. Walters
Joe E. Nunn	Paul J. Stapleton	Lyle H. Webb
Louis T. Peniston	L. S. Stephens	Rodney Whitlow
E. F. Prichard	Ralph G. Stone	John Wilborn

—63

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 54. Resolution authorizing H. L. Wilkerson to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That H. L. Wilkerson, of Dixon, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Webster Circuit Court for damages resulting from damage to his crops during the years 1941, 1942, 1943, 1944 and 1945, grown on his farm in Webster County, Kentucky, on the north side thereof and south of Dixon and Slaughters, Kentucky State Highway, and approximately four miles east of Dixon, Kentucky, which land lies upon the waters of the Winstead Public Ditch, and which farm contains approximately 180 acres. The damage for which suit is authorized is damage alleged to have been caused by an overflow of said Winstead Public Ditch, which ditch passes under a bridge being maintained by the Highway Department of Kentucky at said ditch which

flows from south to north and flows along the line of the said H. L. Wilkerson northwardly, said overflow being alleged to have been due to the fact that the opening is not sufficient to permit the passage of the ordinary rainfalls in that vicinity, resulting in damages to the crops of the said H. L. Wilkerson.

Said suit shall be for a sum not in excess of $1800.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence or wrongful act upon the part of the Commonwealth; and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	J. C. Bradley	Adron Doran
Walter J. Bailey	John Y. Brown	G. I. Drury
F. O. Baker	Mrs. Mary Burnett	Forest C. Easley
Harold L. Barnes	Chas. W. Burnley	M. B. Gilligan
F. H. Bassett, Jr.	W. K. Coleman	Harold G. Helm
Ott Begley	Fred Creasey	E. R. Hilton
W. G. Biggers	S. J. Daugherty	Clyde S. Howard
B. J. Bonn	E. R. Denny	Jerry F. Howell

J. J. Huff	Harry L. Moore	W. R. Smith
Ira W. Hulette	J. Lee Moore	Paul J. Stapleton
B. F. Kincaid	Fred Morgan	L. S. Stephens
G. O. Kirkpatrick	E. C. Mullins	Ralph G. Stone
Edgar Kitchen	J. C. Newcomb	E. L. Thompson
Homer E. Losey	Joe E. Nunn	Ray G. Tipton
H. K. Lowman	Louis T. Peniston	E. N. Todd
E. J. Lucas	E. F. Prichard	Walter L. Trivette
Ed Marcum	Kelse H. Risner	S. J. Wagner
F. G. Marquette	Amos Runyan	Harry F. Walters
E. H. Martin	J. W. Simmons	Lyle H. Webb
W. E. McClure	Luther Slusher	Rodney Whitlow
Jack McPherron	Forrest Smith	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 55. Resolution authorizing R. G. Hanner to sue the commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That R. G. Hanner, of Providence, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Webster Circuit Court for damages resulting from damage to his crops during the years 1941, 1942, 1943, 1944 and 1945 grown on his farm in Webster County, Kentucky, on the west side thereof and east of U. S. Highway 41, and being approximately four miles east of Providence, Kentucky, which land lies upon the waters of Bull Creek, a portion of which has been reconstructed into what is known as the I. N. Baker

ditch, and which farm contains approximately 160 acres. The damage for which suit is authorized is damage alleged to have been caused by an overflow of Bull Creek or the I. N. Baker Public Ditch, which creek or ditch passes under a bridge erected and constructed and being maintained by the Highway Department of Kentucky on U. S. Highway 41, which ditch flows from east to west and flows across said farm of R. G. Hanner westwardly, said overflow being alleged to have been due to the fact that the opening is not sufficient to permit passage of the ordinary rainfalls in that vicinity, resulting in damages to the crops of the said R. G. Hanner.

Said suit shall be for a sum not in excess of $2600.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence or wrongful act upon the part of the Commonwealth; and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	F. O. Baker	F. H. Bassett, Jr.
Walter J. Bailey	Harold L. Barnes	Ott Begley

W. G. Biggers	Ira W. Hulette	E. F. Prichard
B. J. Bonn	B. F. Kincaid	Kelse H. Risner
J. C. Bradley	G. O. Kirkpatrick	Amos Runyan
John Y. Brown	Edgar Kitchen	J. W. Simmons
Mrs. Mary Burnett	Homer E. Losey	Luther Slusher
Chas. W. Burnley	H. K. Lowman	Forrest Smith
W. K. Coleman	E. J. Lucas	W. R. Smith
Fred Creasey	Ed Marcum	Paul J. Stapleton
S. J. Daugherty	F. G. Marquette	L. S. Stephens
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	E. L. Thompson
G. I. Drury	Jack McPherron	Ray G. Tipton
Forest C. Easley	Harry L. Moore	E. N. Todd
M. B. Gilligan	J. Lee Moore	Walter L. Trivette
Harold G. Helm	Fred Morgan	S. J. Wagner
E. R. Hilton	E. C. Mullins	Harry F. Walters
Clyde S. Howard	J. C. Newcomb	Lyle H. Webb
Jerry F. Howell	Joe E. Nunn	Rodney Whitlow
J. J. Huff	Louis T. Peniston	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 56. Resolution authorizing George Hunt, Joseph W. Bowley and M. I. Forbes to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonmonwealth of Kentucky:

That said George Hunt, Joseph W. Bowley, and M. I. Forbes, be and they hereby are authorized to bring and prosecute a suit against the Commonwealth of Kentucky, in either the Franklin Circuit Court or in the Boyd Circuit Court to

have adjudicated their claim against the Commonwealth; and that no plea of limitation shall be interposed; and be it further resolved that if they obtain judgment against the Commonwealth, the amount thereof, together with court costs incurred, shall be paid by the Commonwealth out of the General Fund upon presentation of a certified copy of any final judgment to the Commissioner of Finance, who shall draw his warrant on the State Treasurer for the amount thereof and the court costs, in favor of plaintiffs.

Either the plaintiffs or the defendant may appeal from the judgment of the Circuit Court to the Court of Appeals as in other civil cases; and the Attorney General may compromise and settle the plaintiffs' claim; and any compromise or settlement so agreed upon shall be paid out of the General Fund, and upon certification thereof to the Commissioner of Finance by the Attorney General, the Commissioner of Finance shall issue his warrant upon the State Treasurer in payment thereof.

Ordered that this resolution be read the third time.

The Constitutional provision of the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

Yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	W. K. Coleman	J. J. Huff
Walter J. Bailey	Fred Creasey	Ira W. Hulette
F. O. Baker	S. J. Daugherty	B. F. Kincaid
Harold L. Barnes	E. R. Denny	G. O. Kirkpatrick
F. H. Bassett, Jr.	Adron Doran	Edgar Kitchen
Ott Begley	G. I. Drury	Homer E. Losey
W. G. Biggers	Forest C. Easley	H. K. Lowman
B. J. Bonn	M. B. Gilligan	E. J. Lucas
J. C. Bradley	Harold G. Helm	Ed Marcum
John Y. Brown	E. R. Hilton	F. G. Marquette
Mrs. Mary Burnett	Clyde S. Howard	E. H. Martin
Chas. W. Burnley	Jerry F. Howell	W. E. McClure

Jack McPherron	Kelse H. Risner	E. L. Thompson
Harry L. Moore	Amos Runyan	Ray G. Tipton
J. Lee Moore	J. W. Simmons	E. N. Todd
Fred Morgan	Luther Slusher	Walter L. Trivette
E. C. Mullins	Forrest Smith	S. J. Wagner
J. C. Newcomb	W. R. Smith	Harry F. Walters
Joe E. Nunn	Paul J. Stapleton	Lyle H. Webb
Louis T. Peniston	L. S. Stephens	Rodney Whitlow
E. F. Prichard	Ralph G. Stone	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 57. Resolution authorizing Dr. W. E. Riley to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Dr. W. E. Riley is authorized to sue the Commonwealth of Kentucky in the Harlan Circuit Court for damages resulting from property damage caused by construction of a highway by the Department of Highways of Kentucky.

Said suit shall be for a sum not in excess of $12,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky. No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Joe E. Nunn
Walter J. Bailey	Clyde S. Howard	Louis T. Peniston
F. O. Baker	Jerry F. Howell	E. F. Prichard
Harold L. Barnes	J. J. Huff	Kelse H. Risner
F. H. Bassett, Jr.	Ira W. Hulette	Amos Runyan
Ott Begley	B. F. Kincaid	J. W. Simmons
W. G. Biggers	G. O. Kirkpatrick	Luther Slusher
B. J. Bonn	Edgar Kitchen	Forrest Smith
J. C. Bradley	Homer E. Losey	W. R. Smith
John Y. Brown	H. K. Lowman	Paul J. Stapleton
Mrs. Mary Burnett	E. J. Lucas	L. S. Stephens
Chas. W. Burnley	Ed Marcum	Ralph G. Stone
W. K. Coleman	F. G. Marquette	E. L. Thompson
Fred Creasey	E. H. Martin	Ray G. Tipton
S. J. Daugherty	W. E. McClure	E. N. Todd
E. R. Denny	Jack McPherron	Walter L. Trivette
Adron Doran	Harry L. Moore	S. J. Wagner
G. I. Drury	J. Lee Moore	Harry F. Walters
Forest C. Easley	Fred Morgan	Lyle H. Webb
M. B. Gilligan	E. C. Mullins	Rodney Whitlow
Harold G. Helm	J. C. Newcomb	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 58. Resolution authorizing Stanford Ray and Mrs. J. C. Ray to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Stanford Ray and Mrs. J. C. Ray are authorized to sue the Commonwealth of Kentucky and/or the Department of Highways in the Logan Circuit Court for damages resulting from personal injury (or property damage) caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employe of this Commonwealth.

Said suit shall be for a sum not in excess of Five Thousand Dollars ($5,000.00).

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) against the Commonwealth before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon

the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read for the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Joe E. Nunn
Walter J. Bailey	Clyde S. Howard	Louis T. Peniston
F. O. Baker	Jerry F. Howell	E. F. Prichard
Harold L. Barnes	J. J. Huff	Kelse H. Risner
F. H. Bassett, Jr.	Ira W. Hulette	Amos Runyan
Ott Begley	B. F. Kincaid	J. W. Simmons
W. G. Biggers	G. O. Kirkpatrick	Luther Slusher
B. J. Bonn	Edgar Kitchen	Forrest Smith
J. C. Bradley	Homer E. Losey	W. R. Smith
John Y. Brown	H. K. Lowman	Paul J. Stapleton
Mrs. Mary Burnett	E. J. Lucas	L. S. Stephens
Chas. W. Burnley	Ed Marcum	Ralph G. Stone
W. K. Coleman	F. G. Marquette	E. L. Thompson
Fred Creasey	E. H. Martin	Ray G. Tipton
S. J. Daugherty	W. E. McClure	E. N. Todd
E. R. Denny	Jack McPherron	Walter L. Trivette
Adron Doran	Harry L. Moore	S. J. Wagner
G. I. Drury	J. Lee Moore	Harry F. Walters
Forest C. Easley	Fred Morgan	Lyle H. Webb
M. B. Gilligan	E. C. Mullins	Rodney Whitlow
Harold G. Helm	J. C. Newcomb	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 59. Resolution authorizing George Henderson to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That George Henderson is authorized to sue the Commonwealth of Kentucky and /or the Department of Highways in the Logan Circuit Court for damage resulting from personal injury (or property damage) caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of Five thousand Dollars ($5,000.00).

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Joe E. Nunn
Walter J. Bailey	Clyde S. Howard	Louis T. Peniston
F. O. Baker	Jerry F. Howell	E. F. Prichard
Harold L. Barnes	J. J. Huff	Kelse H. Risner
F. H. Bassett, Jr.	Ira W. Hulette	Amos Runyan
Ott Begley	B. F. Kincaid	J. W. Simmons
W. G. Biggers	G. O. Kirkpatrick	Luther Slusher
B. J. Bonn	Edgar Kitchen	Forrest Smith
J. C. Bradley	Homer E. Losey	W. R. Smith
John Y. Brown	H. K. Lowman	Paul J. Stapleton
Mrs. Mary Burnett	E. J. Lucas	L. S. Stephens
Chas. W. Burnley	Ed Marcum	Ralph G. Stone
W. K. Coleman	F. G. Marquette	E. L. Thompson
Fred Creasey	E. H. Martin	Ray G. Tipton
S. J. Daugherty	W. E. McClure	E. N. Todd
E. R. Denny	Jack McPherron	Walter L. Trivette
Adron Doran	Harry L. Moore	S. J. Wagner
G. I. Drury	J. Lee Moore	Harry F. Walters
Forest C. Easley	Fred Morgan	Lyle H. Webb
M. B. Gilligan	E. C. Mullins	Rodney Whitlow
Harold G. Helm	J. C. Newcomb	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 60. Resolution authorizing Brent Hinton to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Brent Hinton is authorized to sue the Commonwealth of Kentucky and/or the Department of Highways in the Logan Circuit Court for damages resulting from personal injury (or property damage) caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of Five Thousand Dollars ($5.000.00).

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Joe E. Nunn
Walter J. Bailey	Clyde S. Howard	Louis T. Peniston
F. O. Baker	Jerry F. Howell	E. F. Prichard
Harold L. Barnes	J. J. Huff	Kelse H. Risner
F. H. Bassett, Jr.	Ira W. Hulette	Amos Runyan
Ott Begley	B. F. Kincaid	J. W. Simmons
W. G. Biggers	G. O. Kirkpatrick	Luther Slusher
B. J. Bonn	Edgar Kitchen	Forrest Smith
J. C. Bradley	Homer E. Losey	W. R. Smith
John Y. Brown	H. K. Lowman	Paul J. Stapleton
Mrs. Mary Burnett	E. J. Lucas	L. S. Stephens
Chas. W. Burnley	Ed Marcum	Ralph G. Stone
W. K. Coleman	F. G. Marquette	E. L. Thompson
Fred Creasey	E. H. Martin	Ray G. Tipton
S. J. Daugherty	W. E. McClure	E. N. Todd
E. R. Denny	Jack McPherron	Walter L. Trivette
Adron Doran	Harry L. Moore	S. J. Wagner
G. I. Drury	J. Lee Moore	Harry F. Walters
Forest C. Easley	Fred Morgan	Lyle H. Webb
M. B. Gilligan	E. C. Mullins	Rodney Whitlow
Harold G. Helm	J. C. Newcomb	John Wilborn

—63

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 61. Resolution authorizing Raymond Clayton to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Raymond Clayton is authorized to sue the Commonwealth of Kentucky in the Webster Circuit Court for damages resulting from damage to his crops during the years 1944 and 1945, grown on his farm in Webster County, Kentucky, on the waters of Bull Creek, and lying on the east side of U. S. Highway 41, extending from Dixon and Providence, Kentucky, which farm contains 106 acres.

Said damage was caused by the overflow of Bull Creek which passes under a bridge erected and constructed and being maintained by the State Highway Department on U. S. Highway 41. That the said overflow was due to the fact that the opening is not sufficient to permit the passage of the ordinary rainfalls in that vicinity and the the water is caused to back up on the lands of the said Raymond Clayton, which results in damages to his crops.

Said suit shall be for a sum not in excess of $5,495.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by the Court or the Jury as an admission of negligence or shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Joe E. Nunn
Walter J. Bailey	Clyde S. Howard	Louis T. Peniston
F. O. Baker	Jerry F. Howell	E. F. Prichard
Harold L. Barnes	J. J. Huff	Kelse H. Risner
F. H. Bassett, Jr.	Ira W. Hulette	Amos Runyan
Ott Begley	B. F. Kincaid	J. W. Simmons
W. G. Biggers	G. O. Kirkpatrick	Luther Slusher
B. J. Bonn	Edgar Kitchen	Forrest Smith
J. C. Bradley	Homer E. Losey	W. R. Smith
John Y. Brown	H. K. Lowman	Paul J. Stapleton
Mrs. Mary Burnett	E. J. Lucas	L. S. Stephens
Chas. W. Burnley	Ed Marcum	Ralph G. Stone
W. K. Coleman	F. G. Marquette	E. L. Thompson
Fred Creasey	E. H. Martin	Ray G. Tipton
S. J. Daugherty	W. E. McClure	E. N. Todd
E. R. Denny	Jack McPherron	Walter L. Trivette
Adron Doran	Harry L. Moore	S. J. Wagner
G. I. Drury	J. Lee Moore	Harry F. Walters
Forest C. Easley	Fred Morgan	Lyle H. Webb
M. B. Gilligan	E. C. Mullins	Rodney Whitlow
Harold G. Helm	J. C. Newcomb	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 62. Resolution authorizing C. S. Rice and E. G. Rice to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That C. S. Rice and E. G. Rice, a co-partnership doing business under the name and style of Estil Motor Company, of Irvine, Kentucky, are authorized to sue the Commonwealth of Kentucky in the Estil Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while such employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $500.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	W. G. Biggers	W. K. Coleman
Walter J. Bailey	B. J. Bonn	Fred Creasey
F. O. Baker	J. C. Bradley	S. J. Daugherty
Harold L. Barnes	John Y. Brown	E. R. Denny
F. H. Bassett, Jr.	Mrs. Mary Burnett	Adron Doran
Ott Begley	Chas. W. Burnley	G. I. Drury

Forest C. Easley	F. G. Marquette	Luther Slusher
M. B. Gilligan	E. H. Martin	Forrest Smith
Harold G. Helm	W. E. McClure	W. R. Smith
E. R. Hilton	Jack McPherron	Paul J. Stapleton
Clyde S. Howard	Harry L. Moore	L. S. Stephens
Jerry F. Howell	J. Lee Moore	Ralph G. Stone
J. J. Huff	Fred Morgan	E. L. Thompson
Ira W. Hulette	E. C. Mullins	Ray G. Tipton
B. F. Kincaid	J. C. Newcomb	E. N. Todd
G. O. Kirkpatrick	Joe E. Nunn	Walter L. Trivette
Edgar Kitchen	Louis T. Peniston	S. J. Wagner
Homer E. Losey	E. F. Prichard	Harry F. Walters
H. K. Lowman	Kelse H. Risner	Lyle H. Webb
E. J. Lucas	Amos Runyan	Rodney Whitlow
Ed Marcum	J. W. Simmons	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 3. Resolution authorizing payment of a claim to F. J. Alsop.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund of the Commonwealth, the sum of one hundred and twenty-seven dollars and fifty cents ($127.50), and the Department of Finance shall draw its warrant upon the Treasurer for that amount in favor of F. J. Alsop.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Joe E. Nunn
Walter J. Bailey	Clyde S. Howard	Louis T. Peniston
F. O. Baker	Jerry F. Howell	E. F. Prichard
Harold L. Barnes	J. J. Huff	Kelse H. Risner
F. H. Bassett, Jr.	Ira W. Hulette	Amos Runyan
Ott Begley	B. F. Kincaid	J. W. Simmons
W. G. Biggers	G. O. Kirkpatrick	Luther Slusher
B. J. Bonn	Edgar Kitchen	Forrest Smith
J. C. Bradley	Homer E. Losey	W. R. Smith
John Y. Brown	H. K. Lowman	Paul J. Stapleton
Mrs. Mary Burnett	E. J. Lucas	L. S. Stephens
Chas. W. Burnley	Ed Marcum	Ralph G. Stone
W. K. Coleman	F. G. Marquette	E. L. Thompson
Fred Creasey	E. H. Martin	Ray G. Tipton
S. J. Daugherty	W. E. McClure	E. N. Todd
E. R. Denny	Jack McPherron	Walter L. Trivette
Adron Doran	Harry L. Moore	S. J. Wagner
G. I. Drury	J. Lee Moore	Harry F. Walters
Forest C. Easley	Fred Morgan	Lyle H. Webb
M. B. Gilligan	E. C. Mullins	Rodney Whitlow
Harold G. Helm	J. C. Newcomb	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 10. Resolution authorizing I. L. Story, for Iza L. Mason, to sue the Commonwealth.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said I. L. Story, administrator of the estate of Iza Loraine Mason, deceased, be, and he is hereby authorized and permitted to sue the Commonwalth of Kentucky and the State Highway Commission, or either, in the Circuit Court of the county of his residence, for such damage as the estate of the said Iza Loraine Mason, deceased may have suffered by reason of the death of the said Iza Loraine Mason, caused through the carelessness or negligence of the State Highway Commission, its agents and employees. Said suit shall be for any amount not to exceed $10,000.00, and in the event any judgment is recovered by said I. L. Story, administrator of the estate of Iza Loraine Mason, deceased, in said suit for the death of Iza Loraine Mason, or same is compromised or settled, same shall be paid by warrant drawn by the Commissioner of Finance on the State Treasury and paid out of the General Fund.

Either party to said suit may appeal from the judgment which may be entered thereon as in any other civil suit and the case may be settled and adjudged with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Harold L. Barnes	W. G. Biggers
Walter J. Bailey	F. H. Bassett, Jr.	B. J. Bonn
F. O. Baker	Ott Begley	J. C. Bradley

John Y. Brown	G. O. Kirkpatrick	Kelse H. Risner
Mrs. Mary Burnett	Edgar Kitchen	Amos Runyan
Chas. W. Burnley	Homer E. Losey	J. W. Simmons
W. K. Coleman	H. K. Lowman	Luther Slusher
Fred Creasey	E. J. Lucas	Forrest Smith
S. J. Daugherty	Ed Marcum	W. R. Smith
E. R. Denny	F. G. Marquette	Paul J. Stapleton
Adron Doran	E. H. Martin	L. S. Stephens
G. I. Drury	W. E. McClure	Ralph G. Stone
Forest C. Easley	Jack McPherron	E. L. Thompson
M. B. Gilligan	Harry L. Moore	Ray G. Tipton
Harold G. Helm	J. Lee Moore	E. N. Todd
E. R. Hilton	Fred Morgan	Walter L. Trivette
Clyde S. Howard	E. C. Mullins	S. J. Wagner
Jerry F. Howell	J. C. Newcomb	Harry F. Walters
J. J. Huff	Joe E. Nunn	Lyle H. Webb
Ira W. Hulette	Louis T. Peniston	Rodney Whitlow
B. F. Kincaid	E. F. Prichard	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 30. Resolution for the benefit of Mrs. Helen P. Rice.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund of the Commonwealth, the sum of eighty dollars and eighty-two cents ($80.82), and the Department of Finance shall draw its warrant upon the Treasurer for that amount in favor of Mrs. Helen P. Rice.

WHEREAS, Mrs. Helen P. Rice, due to a clerical error, erroneously paid to the Commonwealth of Kentucky ad valorem taxes in the amount of eighty dollars and eighty-two cents ($80.82).

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Joe E. Nunn
Walter J. Bailey	Clyde S. Howard	Louis T. Peniston
F. O. Baker	Jerry F. Howell	E. F. Prichard
Harold L. Barnes	J. J. Huff	Kelse H. Risner
F. H. Bassett, Jr.	Ira W. Hulette	Amos Runyan
Ott Begley	B. F. Kincaid	J. W. Simmons
W. G. Biggers	G. O. Kirkpatrick	Luther Slusher
B. J. Bonn	Edgar Kitchen	Forrest Smith
J. C. Bradley	Homer E. Losey	W. R. Smith
John Y. Brown	H. K. Lowman	Paul J. Stapleton
Mrs. Mary Burnett	E. J. Lucas	L. S. Stephens
Chas. W. Burnley	Ed Marcum	Ralph G. Stone
W. K. Coleman	F. G. Marquette	E. L. Thompson
Fred Creasey	E. H. Martin	Ray G. Tipton
S. J. Daugherty	W. E. McClure	E. N. Todd
E. R. Denny	Jack McPherron	Walter L. Trivette
Adron Doran	Harry L. Moore	S. J. Wagner
G. I. Drury	J. Lee Moore	Harry F. Walters
Forest C. Easley	Fred Morgan	Lyle H. Webb
M. B. Gilligan	E. C. Mullins	Rodney Whitlow
Harold G. Helm	J. C. Newcomb	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 71. Resolution appropriating money for payment of a claim to G. M. Knuckles.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That G. M. Knuckles of Beverly, Kentucky submitted an expense account for expenses incurred for official duties as Deputy State Fire Marshal for Kentucky, to the Commissioner of Finance, in an amount not to exceed $75.00. Said expense account is presently on file in the office of the State Fire Marshal of Kentucky, Frankfort, Kentucky.

It appearing that said claim was not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claim was a just claim against the Commonwealth of Kentucky. The Commissioner of Finance is hereby authorized and directed to pay said claim when presented by G. M. Knuckles of Beverly, Kentucky, and the Statute of Limitation now provided by law shall not bar the payment of said claim, and the amount necessary to pay said claim (not exceeding $75.00) is hereby appropriated out of the General Fund for that purpose.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Joe E. Nunn
Walter J. Bailey	Clyde S. Howard	Louis T. Peniston
F. O. Baker	Jerry F. Howell	E. F. Prichard
Harold L. Barnes	J. J. Huff	Kelse H. Risner
F. H. Bassett, Jr.	Ira W. Hulette	Amos Runyan
Ott Begley	B. F. Kincaid	J. W. Simmons
W. G. Biggers	G. O. Kirkpatrick	Luther Slusher
B. J. Bonn	Edgar Kitchen	Forrest Smith
J. C. Bradley	Homer E. Losey	W. R. Smith
John Y. Brown	H. K. Lowman	Paul J. Stapleton
Mrs. Mary Burnett	E. J. Lucas	L. S. Stephens
Chas. W. Burnley	Ed Marcum	Ralph G. Stone
W. K. Coleman	F. G. Marquette	E. L. Thompson
Fred Creasey	E. H. Martin	Ray G. Tipton
S. J. Daugherty	W. E. McClure	E. N. Todd
E. R. Denny	Jack McPherron	Walter L. Trivette
Adron Doran	Harry L. Moore	S. J. Wagner
G. I. Drury	J. Lee Moore	Harry F. Walters
Forest C. Easley	Fred Morgan	Lyle H. Webb
M. B. Gilligan	E. C. Mullins	Rodney Whitlow
Harold G. Helm	J. C. Newcomb	John Wilborn

—63

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution entitled:

H. Res. 114. Resolution to allow Charles Cornett to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Charles Cornett, former sheriff of Perry County, Kentucky, be paid the sum of $342.13 for making a trip to Ely, Nevada, for the purpose of returning Hershell Terry who stood indictment in the Perry Circuit Court on the charge of Willful Murder and delivering him to Charlie Duff, Jailer of Perry County, Kentucky.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Joe E. Nunn
Walter J. Bailey	Clyde S. Howard	Louis T. Peniston
F. O. Baker	Jerry F. Howell	E. F. Prichard
Harold L. Barnes	J. J. Huff	Kelse H. Risner
F. H. Bassett, Jr.	Ira W. Hulette	Amos Runyan
Ott Begley	B. F. Kincaid	J. W. Simmons
W. G. Biggers	G. O. Kirkpatrick	Luther Slusher
B. J. Bonn	Edgar Kitchen	Forrest Smith
J. C. Bradley	Homer E. Losey	W. R. Smith
John Y. Brown	H. K. Lowman	Paul J. Stapleton
Mrs. Mary Burnett	E. J. Lucas	L. S. Stephens
Chas. W. Burnley	Ed Marcum	Ralph G. Stone
W. K. Coleman	F. G. Marquette	E. L. Thompson
Fred Creasey	E. H. Martin	Ray G. Tipton
S. J. Daugherty	W. E. McClure	E. N. Todd
E. R. Denny	Jack McPherron	Walter L. Trivette
Adron Doran	Harry L. Moore	S. J. Wagner
G. I. Drury	J. Lee Moore	Harry F. Walters
Forest C. Easley	Fred Morgan	Lyle H. Webb
M. B. Gilligan	E. C. Mullins	Rodney Whitlow
Harold G. Helm	J. C. Newcomb	John Wilborn

—63

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in this House, entitled:

H. B. 201. An Act relating to Workmen's Compensation.

H. B. 386. An Act authorizing cities of the fourth class to acquire land by purchase of condemnation for the purpose of straightening or widening any creek, etc.

H. B. 389. An Act relating to the terms of court in the 11th Judicial District.

H. B. 86. An Act relating to newsboys.

H. B. 99. An Act relating to expenditures of candidates.

H. B. 151. An Act relating to fees allowed county clerk.

H. B. 242. An Act concerning armories.

H. B. 266. An Act relating to stenographers for County Attorneys.

H. B. 312. An Act relating to Game and Fish.

H. B. 322. An Act repealing, amending and re-enacting Sec. 94.730 KRS.

H. B. 375. An Act to control and prevent the spread of infectious and communicable diseases among poultry.

H. B. 433. An Act to promote safe driving.

With an amendment thereto as proposed and adopted by the Senate.

H. B. 321. An Act pertaining to motor carriers and registration fees.

With an amendment thereto as proposed and adopted by the Senate.

H. B. 230. An Act relating to establishment by cities of artificial gas systems.

With amendments thereto as proposed and adopted by the Senate.

H. B. 41. An Act relating to classification of cities and towns.

With amendments thereto as proposed and adopted by the Senate.

H. B. 168. An Act relating to civil service employees in cities of second and third classes.

With amendments thereto as proposed and adopted by the Senate.

H. B. 440. An Act relating to the mining and producing of bituminous coal.

H. B. 381. An Act fixing the regular term of the Circuit Court in the counties of McCracken and Marshall.

With amendments thereto as proposed and adopted by the Senate.

H. Res. 11. Resolution authorizing Mell T. Prather to sue the Commonwealth.

H. Res. 99. Resolution authorizing H. L. Wilkerson to sue the Commonwealth.

H. Res. 100. Resolution authorizing R. G. Hanner to sue the Commonwealth.

H. Res. 101. Resolution authorizing the personal representative of John Robert Gray to sue the Commonwealth.

H. Res. 106. Resolution authorizing Robert Ballinger to sue the Commonwealth.

Ordered that said bills and resolutions, with the exception of those which were amended in the Senate, be delivered to the Enrolling Clerk of this House.

Ordered that said bills with amendments thereto as proposed and adopted by the Senate, be laid on the Clerk's Desk.

And that they had passed bills and resolutions which originated in that body, entitled:

S. B. 168. An Act relating to notaries public.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 64.290 of the Kentucky Revised Statutes is amended to read as follows:

Notaries public, examiners or other officers authorized to take depositions may collect for the following services, the following fees:

(1) For taking depositions and certifying the same, $10 per day where the taking consumes more than one session in any one day, or where the deposition is being taken in some city other than the residence of the officer before whom the deposition is being taken; and $5 per day or per session where the taking does not consume more than one morning or one afternoon session, and is in the same city in which the officer taking the deposition resides.

(2) For making an original transcript, or for making a duplicate transcript, for a person other than the person for whom the original was made, not exceeding twenty cents per one hundred words.

(3) For making a duplicate or carbon copy of a transcript for a person who has ordered the original transcript, not exceeding ten cents per one hundred words.

(4) For a subpoena or any other writ or certificate, or for any other service, the same fee that is allowed to circuit court clerks for similar write, certificates or services.

2. A new section of the statutes is created, to be numbered KRS 64.291 and to read as follows:

Any notary public, examiner or other officer authorized to take depositions or statements under oath may take such depositions or statements under oath to be used in any case pending in any court or before any court official, and any such court or court official is hereby expressly prohibited from limiting such taking to any special notary public, examiner or other officer authorized to take depositions or testimony or statements under oath. A deposition or statement taken under oath before any notary public, examiner or other officer authorized by law to take depositions and statements under oath shall be duly received and filed in the court in which the case which is the subject matter of said deposition or other writing given under oath is pending, when duly certified by said authorized officer.

S. B. 204. An Act to provide for the planning, designation, establishment etc of limited-access facilities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Declaration of policy — The Legislature hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety, and for the promotion of the general welfare.

SECTION 2. Definition of a limited-access facility— For the purpose of this act, a limited-access facility is defined as a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited-

access facility or for any other reason. Such highways or streets may be parkways, from which trucks, busses, and other commercial vehicles shall be excluded; or they may be freeways open to use by all customary forms of street and highway traffic.

SECTION 3. Authority to establish limited-access facilities—The highway authorities of the State, counties, cities, towns, and villages, acting alone or in cooperation, with each other or with any Federal, State, or local agency or any other State having authority to participate in the construction and maintenance of highways, are hereby authorized to plan, designate, establish, regulate, vacate, alter, improve, maintain, and provide limited-access facilities for public use wherever such authority or authorities are of the opinion that traffic conditions, present or future, will justify such special facilities: Provided, That within cities and villages such authority shall be subject to such municipal consent as may be provided by law. Said highway authorities of the State, counties, cities, villages, and towns, in addition to the specific powers granted in this act, shall also have and may exercise, relative to limited-access facilities, any and all additional authority now or hereafter vested in them relative to highways or streets within their respective jurisdictions. Said units may regulate, restrict, or prohibit the use of such limited-access facilities by the various classes of vehicles or traffic in a manner consistent with section 2 of this act.

SECTION 4. Design of limited-access facility — The highway authorities of the State, county, city, town, and village are authorized to so design any limited-access facility and to so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended; and its determination of such design shall be final. In this connection such highway authorities are authorized to divide and separate any limited-access facility into separate roadways by the construction of raised curbings, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes, and other devices. No person shall have any right of ingress or egress

to, from or across limited-access facilities to or from abutting lands, except at such designated points at which access may be permitted, upon such terms and conditions as may be specified from time to time.

SECTION 5. Acquisition of property and property rights—For the purposes of this act, the highway authorities of the State, county, city, town, or village may acquire private or public property and property rights for limited-access facilities and service roads, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation in the same manner as such units are now or hereafter may be authorized by law to acquire such property or property rights in connection with highways and streets within their respective jurisdiction. All property rights acquired under the provisions of this act shall be in fee simple. In connection with the acquistion of property or property rights for any limited-access facility or portion thereof, or service road in connection therewith, the State, county, city, town, or village highway authority may, in its discretion, acquire an entire lot, block, or tract of land, if by so doing, the interests of the public will be best served, even though said entire lot, block, or tract is not immediately needed for the right-of-way proper.

SECTION 6. Preference of condemnation cases—Court proceedings necessary to acquire property or property rights for purposes of this act shall take precedence over all other causes not involving the public interest in all courts, to the end that the provision of limited-access facilities may be expedited.

SECTION 7. New and existing facilities; grade-crossing eliminations—The highway authority of the State, county, city, town, or village may designate and establish limited-access highways as new and additional facilities or may designate and establish an existing street or highway as included within a limited-access facility. The State or any of its subdivisions shall have authority to provide for the elimination of intersections at grade of limited-access facilities with existing State and county roads, and city and town or village streets, by grade separation or service road, or by closing off

such roads and streets at the right-of-way boundary line of such limited-access facility; and after the establishment of any limited-access facility, no highway or street which is not part of said facility shall intersect the same at grade. No city, town, or village street, county or State highway or other public way shall be opened into or connected with any such limited-access facility without the consent and previous approval of the highway authority in the State, county, city, town, or village having jurisdiction over such limited-access facility. Such consent and approval shall be given only if the public interest shall be served thereby.

SECTION 8. Authority of local units to consent—The highway authorities of the State, city, county, town, or village are authorized to enter into agreements with each other, or with the Federal Government, respecting the financing, planning, establishment, improvement, maintenance, use, regulation, or vacation of limited-access facilities or other public ways in their respective jurisdictions, to facilitate the purposes of this act.

SECTION 9. Local service roads—In connection with the development of any limited-access facility the State, county, city, town, or village highway authorities are authorized to plan, designate, establish, use, regulate, alter, improve, maintain, and vacate local service roads and streets or to designate as local service roads and streets any existing road or street and to exercise jurisdiction over service roads in the same manner as is authorized over limited-access facilities under the terms of this act, if in their opinion such local service roads and streets are necessary or desirable. Such local service roads or streets shall be of appropriate design, and shall be separated from the limited-access facility proper by means of all devices designated as necessary or desirable by the proper authority.

SECTION 10. Unlawful use of limited-access facilities; penalties—It is unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section or other separation or dividing line on limited-access facilities; (2) to make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing

curb section, separation or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the limited-access facility from a local service road except through an opening provided for that purpose in the dividing curb, or dividing section or dividing line which separates such service road from the limited-access facility proper. Any person who violates any of the provisions of this section is guilty of a misdemeanor and upon arrest and conviction therefor, shall be punished by a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100.00), or by imprisonment in the city or county jail for not less than 5 days nor more than 90 days, or by both such fine and imprisonment.

SECTION 11. Severability—If any section, provision, or clause of this act shall be declared invalid or inapplicable to any person or circumstance such invalidity or inapplicability shall not be construed to affect the portions not so held or persons or circumstances not so affected. All laws or portions of laws inconsistent with the policy and provisions of this act are hereby repealed to the extent of such inconsistency in its application to limited-access facilities provided for in this act.

S. B. 224. An Act to provide for remodeling and improving the structures and grounds formerly occupied by the state penitentiary in Frankfort.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The Division of Purchases and Public Properties of the Department of Finance shall cause to be rehabilitated, remodeled and renovated, so as to be suitable for use for office purposes, the structure, located upon the grounds formerly occupied by the state penitentiary in the City of Frankfort, which was used as an entrance building to the penitentiary and which is known as the "Towers." The work shall be

done in such a way as to preserve the architectural design of the exterior of the structure. The Division of Purchases and Public Properties shall also cause to be removed the stone wall extending along Holmes Street upon such grounds, and shall cause to be removed all stone, rubbish and debris from such grounds, and place the grounds in a neat and attractive condition.

Sec. 2. Upon completion of the renovation of the "towers," the Division of Purchases and Public Properties shall allot office space therein to the Division of Parks of the Department of Conservation and to other state agencies to the extent space is available. The Division of Purchases and Public Properties shall be responsible for the custody, management, maintenance and operation of the building the same as other state office buildings.

Sec. 3. For the purpose of carrying out the provisions of this Act, there is hereby appropriated to the Division of Purchases and Public Properties, out of the General Expenditure Fund in the State Treasury, as of the effective date of this Act, the sum of $25,000. Any part of said sum not expended or encumbered prior to June 30, 1946, shall not lapse to the General Expenditure Fund, but shall remain available for expenditures for the purposes of this Act during the fiscal years 1946-1947 and 1947-1948.

Sec. 4. Whereas, present condition of the structures and grounds formerly occupied by the state penitentiary in Frankfort constitutes a danger to public health and safety, and results in an economic waste, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

S. B. 227. An Act relating to cities of the fifth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In the discretion of the city council, a city of the fifth class may by ordinance provide for the consolidation of the offices of clerk and treasurer. If this is done, the city council

may appoint a clerk-treasurer for a term of two years, subject to removal at the pleasure of the council and fix his compensation. He shall give bond in a sum fixed by ordinance, the bond to be approved by the city council and filed with the mayor.

S. B. 250. An Act providing for state tax paid on liquid fuel used in aircraft.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky as follows:

That Section 138.345 Kentucky Revised Statutes 1944 Edition being the same is hereby amended and re-enacted so that same will read as follows:

(1) Tax paid pursuant to the provisions of KRS 138.210 to 138.340 upon liquid fuel designated for use in aircraft motors and used in operation of airchaft engaged in the transportation of passengers and property in inter-state commerce by carriers operating on regular scheduled flights under provisions of certificates of public convenience and necessity issued by the Civil Aeronautics Board and in intra-state commerce on regular scheduled flights under certificates of public convenience and necessity issued by the Kentucky Aeronautics Commission shall be refunded. No tax shall be refunded except that paid upon such fuel used exclusively in such aircraft motors.

(2) No person shall be entitled to a refund hereunder unless he shall have first filed with the Department of Revenue a bond with approved corporate surety in an amount of one thousand dollars, conditioned upon faithful compliance with this section and KRS 138.346 and upon the payment to the Commonwealth of any refunds to which he was not entitled.

S. B. 253. An Act creating and relating to the Agricultural and Industrial Development Commission.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created a Commission to be known as the Agricultural and Industrial Development Commission, which shall be a body corporate and politic, and which shall consist of the Commissioner of Finance, the Commissioner of Conservation, the Commissioner of Welfare, the Commissioner of Highways and seventeen (17) members to be appointed by the Governor, each of whom shall be appointed for a term of four (4) years and until his successor is appointed and qualified. In making the appointments, the Governor shall select persons who are fairly representative of the fields of agriculture, industry, commerce, business, finance, labor, education, health and welfare. One of the twenty-one (21) members shall be designated by the Governor as Chairman of the Commission. Appointments to fill vacancies shall be for the unexpired term.

Section 2. The members of the Commission shall serve without compensation but shall be reimbursed for all reasonable expenses incurred while engaged in the performance of their duties.

Section 3. The Commission shall maintain an office; promulgate rules and regulations; keep complete and permanent records of its proceedings, meetings, hearings, decisions and orders. Seven (7) members of the Commission shall constitute a quorum for the transaction of business.

Section 4. The Commission is authorized and empowered to employ a director and such other persons, technical, clerical or otherwise as it deems necessary for the performance of its duties. The director shall be selected with special reference to his executive ability and experience, and special training and skill in the promotion and development of agricultural, industrial and other economic resources of the State, and shall perform such duties as are prescribed by the Commission.

Section 5. The Commission is authorized and empowered to create, establish and maintain boards, councils and committees throughout the State to advise it and to employ the services of persons and independent agencies to assist it in the performance of its duties.

Section 6. It shall be the duty of the Commission: (1) To do research, make studies and surveys, prepare plans and

formulate programs relative to the agricultural, industrial and other economic resources, assets and facilities of the State and relative to the tax structure, Negro affairs, youth guidance, soil conservation, parks, forests, recreation, tourist travel and public education, health and welfare and all subjects of vital interest to the people.

(2) To advertise, publicize, promote, foster and encourage the development of the agricultural, industrial and other economic resources of the State and relative to the improvement of the tax structure, Negro affairs, youth guidance, soil conservation, parks, forests, recreation, tourist travel and public education, health, and welfare and all subjects of vital interest to the people.

(3) To advise, counsel with, and coordinate the efforts and activities of the departments, agencies and institutions of the State Government which are engaged in the promotion of or planning for agricultural, industrial and other economic development and in the promotion of programs relative to the tax structure, Negro affairs, youth guidance, soil conservation, parks, forests, recreation, tourist travel and public education, health and wefare and all subjects of vital interest to the people.

(4) To develop the agricultural, industrial and other economic resources of the State and to improve the tax structure, Negro affairs, youth guidance, soil conservation, parks, forests, recreation, tourist travel and public education, health and welfare and all subjects of vital interest to the people.

Section 7. The Commission is authorized and empowered to acquire in the name of the Commonwealth of Kentucky for the use and benefit of the Commission, both real and personal property by purchase, condemnation, grant, gift, lease or otherwise; and to own, hold, sell, lease or otherwise convey all such real and personal property. The procedure for condemnation shall conform to that provided in KRS 416.010 to 416.080.

Section 8. The Commission is authorized and empowered to borrow money by pledging its anticipated revenues to be derived from any and all sources; to issue negotiable bonds, the principal and interest of which shall be payable solely

from the revenues accruing from the particular enterprize or activity upon which the proceeds of the bonds were expended and shall not be obligations of the State. The bonds shall not bear interest in excess of six (6%) percent per annum and shall be free from taxation as to principal and interest.

Section 9. The Commission is authorized and empowered to construct, reconstruct and improve public buildings and other public property with the approval of the governmental authority having control of such property and for the accomplishment of this purpose, the Commission is authorized and empowered to enter into financial arrangements of all kinds with private persons, corporations or governmental agencies and to issue negotiable bonds to pay the costs of such improvements, said bonds being payable solely from the revenues accruing from the particular public property improved and shall not be obligations of the State. The bonds shall not bear interest in excess of six (6%) percent per annum and shall be free from taxation as to principal and interest.

Section 10. The Commission is authorized and empowered either independently or with private persons or corporations, the federal, state, county or municipal governments or agencies thereof; to promote, develop, finance, establish, maintain, operate or engage in agricultural, industrial or all other economic enterprizes or activities; and to enter into contracts and arrangements, financial or otherwise, and to do all things necessary for the accomplishment of such purposes.

Section 11. The Commission is authorized and empowered to sue and be sued, to make contracts, and to do all things necessary to accomplish the purposes for which it is created.

S. Res. 43. Resolution repudiating, retracting and withdrawing H. Res. 79 of Regular Session 1944.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT House Resolution No. 79 of the Regular Session of the 1944 General Assembly of Kentucky is hereby repudi-

ated and retracted, and the General Assembly hereby withdraws the same.

The Secretary of State is directed to send a duly certified copy of this resolution to the Senate of the United States and to the House of Representatives in Congress of the United States.

S. Res. 66. Resolution providing for payment of ministers of the churches of Frankfort.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the sum of One Thousand and Fifty Dollars ($1,050.00) is hereby appropriated out of the Legislative Session Fund, One Hundred and Fifty Dollars ($150.00) of which is to be paid to each of the following named ministers of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly:

O. L. Gilmore, E. W. Baxter, Joseph A. O'Dwyer, Will B. Campbell, P. S. Stauffer, C. T. Duckett and F. T. Moffatt.

Section 2. That the Chief Clerk of the Senate shall certify this Resolution to the Commissioner of Finance, who shall draw his warrant upon the State Treasurer for the amounts above designated and the State Treasurer shall pay the same.

WHEREAS, all employees of the General Assembly have been promptly paid for their services, and said ministers have been faithful in attending as chaplain, and are also entitled to prompt payment, an emergency is hereby declared to exist and this Resolution shall take effect from and after its passage and approval by the Governor.

S. B. 239. An Act relating to elections, with special reference to registration and voting by absentee voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, unless the context otherwise requires:

(1) "Absent voter" means any qualified voter who expects in the course of his business or duties to be absent from the county in which is situated his voting precinct on the day of holding any election.

(2) "Election" means any regular election, primary election or special election, for any federal, state, district, county or city office, including school district offices, and any election upon a public question.

§ 2. Any absent voter may, at any time not less than ten days before an election, make an application in writing, on the form prescribed in Section 3 of this Act, to the clerk of the county court of the county of his residence, for an absent voter's ballot.

§ 3. Applications for absent voter's ballots shall be signed and sworn to by the absent voter before the county court clerk, or before a civil officer authorized by law to administer an oath. The application shall be substantially in the following form:

"County Court Clerk of.....County.
....., Kentucky.

"I, ..., state that I am a resident of the State of Kentucky and have been such for a least one year prior to the date hereof. I am a resident of..... ..... County and have been such for more than six months prior to said date, and am a resident of..... precinct of said county (or..... ward of the city of....., county of .....) and have been such for at least sixty days prior to said date; that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the ..... political party; that in the course of my business or duties I expect to be absent from said precinct or ward on the election to be held in said precinct or ward on the..... day of....., 19.....,

and I will not vote elsewhere at said election. I request that an official ballot be mailed to me at the following address:

.....

(Name and Address)

.....

(Rank and unit if member of Armed Forces)

.....

(Voter must sign here, and oath must be administered and attested.)

"Subscribed and sworn to before me this..... day of ....., 19.....

.....

(Name and Official Title)

§ 4. Upon receipt of any application for an absent voter's ballot, the county court clerk shall examine the registration books for the purpose of ascertaining whether or not the applicant is a registered voter as stated in the application. If the county court clerk finds that the applicant is so registered, he shall forward a ballot to the voter as provided in Section 7 of this Act. If the County court clerk does not find the applicant to be so registered, and if the applicant does not indicate that the applicant is a member of the Armed Forces, the clerk shall immediately mail a letter to the applicant, at the address stated in the application, advising him that his application cannot be honored because of the fact that he is not registered, and advising him what period of time, if any, remains in which he may register prior to such election, and the clerk shall place the application in a file entitled "Nonregistered Applicants for Absent Voter's Ballots." If the clerk thereafter, and prior to the election, receives notice from the applicant advising the clerk that the applicant has registered, the clerk shall again examine the registration books, and if he finds that the applicant has registered he shall remove the application from the nonregistered applicants' file and forward a ballot as provided in Section 7 of this Act. Any applications not so removed from the nonregistered applicants' file shall be retained in such file until thirty days after the election, when they shall

be burned by the clerk in the presence of the judge and sheriff of the county. If the application of a person found not to be registered indicates that the applicant is a member of the Armed Forces, the county court clerk, upon being satisfied that the applicant is entitled to be registered, shall cause the applicant to be registered in the registration records of the proper precinct, and shall mark upon such registration records the words, "Absentee Registration." Such registration may be made at any time prior to the election for which an absent voter's ballot is applied for.

§ 5. The county court clerk shall prepare for each precinct a list of the names of all voters of that precinct to whom he has sent absent voters' ballots. When a ballot is received from a voter, as herein after provided in this Act, that fact shall be indicated opposite the voter's name on the list. Such lists shall be delivered by the county court clerk to the precinct election officers of each precinct at the same time other election paraphernalia is delivered to them on the morning of the election, and the precinct election officers shall post the list in a public place at the voting place where it may be inspected by any voter. The list shall be entitled "List of Applicants for Absentee Ballots."

§ 6. The county court clerk, after the ballots for an election have been printed, shall take the book of ballots and stubs for each precinct in which there are voters who have applied for absent voter's ballots and, commencing with the first ballot in the book, shall write the names and addresses of such absent voters on the primary stubs of the ballots, and across such stubs shall write the words, "Absent Voter." In the case of primary elections, the clerk shall use the ballot books in which are contained the ballots of the political party with which the particular voter is affiliated. After having made the entries above required, the county court clerk shall remove the ballots from the book, with the secondary stubs attached, and shall send the ballots of each voter to the address given by him in his application, the ballot sent to each voter to correspond with the number on the stub on which such voter's name is written. There shall be enclosed with the ballot sent to each voter the two official envelopes for re-

turning the ballot hereinafter provided for and a copy of the instructions for absent voters. The ballot, envelopes and instructions shall be sent postage prepaid, and if the address of the applicant is outside the continental limits of the United States the same shall be sent Air Mail.

§ 7. The county court clerk of each county shall cause to be prepared and printed an appropriate number of outer envelopes for absent voter's ballots, which shall bear the words "Absent Voter's Ballot" and shall also bear the address and official title of the county court clerk.

§ 8. The Secretary of State shall cause to be prepared and printed an appropriate number of inner envelopes for absent voter's ballots, for all counties. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed, in substantially the following form:

OFFICIAL ABSENT VOTER'S BALLOT

Name of Voter .....
Residence (street and number, if any) .....
.....
County of .....
City or Town of.....

On the other side of such envelope shall be printed the following oath:

"I do hereby swear (or affirm) that I am a citizen of the United States and am now of the age of at least twenty-one years or will be on the day of the election to be held on the ..... day of....., 19..... (here insert the day of the election,) that I will have been a resident of the State of Kentucky for at least one year next preceding such election, and a resident of the County of ..... for more than six months preceding such election, and a resident of.....precinct of said county (or..... ward of the city of....., County of.....) at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward, and I am

affiliated with the ..... political party; that in the course of my business or duties I expect to be absent from said precinct or ward at the time of said election.

....

(Voters must sign here, and oath must be administered and attested.)

"Subscribed and sworn to before me this..... day of .....

.....

(Official Title)"

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

§ 9. The Secretary of State shall also cause to be prepared and printed an appropriate number of forms for application for absent voter's ballots, and of instructions for absent voters. The Secretary of State shall furnish to each County Court Clerk, upon application, a sufficient number of inner envelopes, application forms, and instructions.

§ 10. When the absent voter receives the ballot and the two envelopes, he shall go before some civil officer authorized by law to administer an oath and before him make and subscribe to the affidavit on the face of the envelope and shall, in the presence of such officer and no one else, mark the ballot so as to indicate the way he desires to vote, but in such manner as to prevent the officer from knowing how the ballot is marked or how he has voted. He shall then, and while in the presence of the officer, fold the ballot in such way as to conceal the markings made thereon by him, and after the ballot has been so folded, he shall enclose it in the inner envelope; then seal said envelope and then enclose it in the outer envelope; then seal and write his name across the face of the outer envelope, and at once mail it to the county court clerk.

§ 11. Before sending an absent voter's ballot to any applicant prior to any election, the county court clerk shall provide himself with one or more legal ballot boxes, as may be required. The boxes shall be locked in the presence of the County Board of Election Commissioners, and one of the keys shall be delivered to each member of the County Board of Election Commissioners. The boxes shall remain locked,

and the members of the County Board of Election Commissioners shall retain the keys in their possession, until the boxes have been delivered to the County Board of Election Commissioners following the election and opened as provided in Section 14 of this Act.

§ 12. (1) When the county court clerk receives an absent voter's ballot, he shall immediately stamp on the outer envelope the day and hour he received the same. All such ballots received by him prior to the hour for closing the polls on the day of the election shall be deposited in the ballot box provided for in Section 11 of this Act, without opening the outer envelope. All ballots received by the clerk after the hour for closing the polls on the election day shall be kept by the clerk unopened until thirty days after the election, when they shall be burned by the clerk in the presence of the county judge and sheriff, without being opened.

(2) In the case of ballots received prior to the time the registration copy records are delivered to the precinct officers, the county court clerk shall indicate or cause to be indicated upon such copy records the fact that the voter has voted as an absentee. In the case of ballots received after the registration copy records have been delivered to the precinct officers, but before the hour for closing the polls, the county clerk shall, within five days after the election, indicate or cause to be indicated upon the copy registration records the fact that the voter has voted as an absentee.

§ 13. During the period between the time the ballot boxes provided for in Section 11 have been locked and the time such boxes are delivered to the County Board of Election Commissioners following the closing of the polls, the county court clerk shall keep the same in a secure and substantial place and keep a sufficient guard over same in a careful manner. The Chairman of the County Executive Committee of each of the two dominant political parties, and each candidate to be voted for at the election and, in case of elections on public questions, each committee duly recognized by law as a committee entitled to challengers or witnesses to the county, may designate a person to assist the county clerk and other guards to guard the ballot boxes in the clerk's office.

§ 14. (1) Immediately following the closing of the polls on the election day, the county court clerk shall deliver to the County Board of Election Commissioners the ballot boxes containing the ballots of absent voters. The board, before opening other ballot boxes, shall open the boxes containing absent voters' ballots, and remove the envelopes one at a time. As each envelope is removed, it shall be examined to ascertain whether the outer envelope is in proper form and bears the stamp of the county court clerk indicating that it was received prior to the closing of the polls. If the outer envelope is found to be satisfactory in these respects, the outer envelope shall be opened, and the inner envelope shall be examined for the purpose of ascertaining whether the inner envelope is regular and in the form and condition required by this Act and is properly sealed, and the affidavit on the face thereof is regular and in the form required by this Act. If the inner envelope is found to be satisfactory in these respects, the clerk of the County Board of Election Commissioners shall read aloud the name of the absent voter. If the vote of such voter is not rejected on a challenge then made as hereinafter provided, the clerk shall then open the envelope and remove the ballot therefrom without unfolding it, and in such a way as not to expose the markings thereon or how the absent voter has voted. The clerk shall write his name on the back of the ballot and then hand it to one of the members of the Board of Election Commissioners, who shall write his name on the back of the ballot, detach the secondary stub, and then place the ballot in a regular ballot box which has been provided for the purpose. When the name of an absent voter is read aloud by the clerk, the vote of such voter may be challenged and the challenge thereto may be determined and the vote accepted or rejected by the Board of Election Commissioners as if the voter was present and voting in person, but if the envelopes and the affidavit on the face of the inner envelope are regular, and substantially comply with the provisions of this Act, they shall be considered as showing that the absent voter is prima facie entitled to vote. If the vote of an absent voter is rejected pursuant to the challenge, the inner envelope shall not be opened, and the clerk of the Board of Commissioners shall write on the envelope

the word "rejected". Such rejected ballots shall be handled as other rejected ballots.

(2) After the absent voters' ballots have been signed and redeposited in a ballot box, as provided in subsection (1), the box shall be thoroughly shaken so as to redistribute the ballots in the box. The Board of Election Commissioners shall then reopen the box and count the ballots and tabulate them on sheets to be provided by the county court clerk. The votes thus counted shall then be added to the votes upon the regular returns for the respective precincts.

(3) The two envelopes from each ballot, together with the ballots, shall then be delivered to the county court clerk who shall retain them until thirty days after the election, when they shall be burned by the clerk in the presence of the county judge and the sheriff. If a contest or recount proceeding is instituted during said thirty-day period, the ballots shall not be burned but shall be disposed of as directed by the court in which such proceeding was instituted.

§ 15. The death of any absent voter prior to the day on which the election is held shall constitute grounds for challenging his ballot before it is redeposited by the Board of Election Commissioners, and shall constitute grounds for not counting such ballot in any contest proceeding.

§ 16. The provisions of this Act shall not be construed to prohibit any absent voter, who has returned to his place of residence, from voting in person within his precinct at any election notwithstanding that he may have made application for an absent voter's ballot and such ballot has been mailed to him, if such voter has not voted the ballot and mailed it to the county court clerk. In such case the voter shall return the ballot not voted to the county court clerk from whom he received it, and the county court clerk shall mark the ballot "cancelled" and preserve it for the same period as other absent voter's documents are to be preserved. The clerk shall also enter the word "cancelled" upon the ballot stub in the ballot book, and remove such voter's name from the list provided for in Section 5 of this Act.

§ 17. When the election paraphernalia is delivered to the precinct officers of each precinct, they shall examine the

list of applicants for absentee ballots, and shall also examine the stubs in the ballot book for the ballots which have been removed and mailed to the applicants for absentee ballots, for the purpose of ascertaining the persons to whom absent voter's ballots have been sent. If any person so indicated as having received an absent voter's ballot appears and makes application to vote in person, he shall not be issued a ballot by the precinct officers.

§ 18. Any oath or affirmation required by this Act to be taken before a civil officer may, in the case of a person serving in or attached to the Armed Forces of the United States, be taken before any commissioned officer of the Armed Forces. Any officer before whom the same is taken shall subscribe his name and official designation.

§ 18½. The death of any absent voter prior to the day in which the election is held shall constitute grounds for challenging his ballot before it is deposited by the election officers, and shall constitute grounds for not counting such ballot in any contest proceeding.

§ 19. The cost of postage and envelopes required to be used by the county court clerk in carrying out the provisions of this Act, including the cost of printing the outer envelopes, shall be paid by the county.

§ 20. Jurisdiction of any prosecution for a violation of any provision of Sections 1 to 19 of this Act, whenever the violation occurred, whether within or without this state, is hereby vested in the circuit court of the county of the voter's residence.

§ 21. (1) Any person who, for the purpose of voting under the provisions of Sections 1 to 19 of this Act, swears to or affirms an application for an absent voter's ballot, or swears to or affirms the oath on the inner envelope for an absent voter's ballot, knowing that the same contains any false statement, shall be confined in the penitentiary for not less than one nor more than five years.

(2) Any county court clerk or election officer who willfully refuses or fails to perform any of the duties required of him by Sections 1 to 19 of this Act, or who in any manner

willfully violates or abuses any trust or duty imposed on him by those sections, shall be fined not less than one hundred dollars nor more than one thousand dollars.

(3) Any person who, by threat, bribery, corrupt or arbitrary measure, offer or payments of reward, or by other unlawful means, interferes with any qualified voter in the free exercise of his right to vote under the provisions of Sections 1 to 19 of this Act, shall be fined not less than one hundred dollars nor more than one thousand dollars.

§ 22. For the purpose of carrying out the duties imposed on the Secretary of State by Sections 1 to 19 of this Act, there is hereby appropriated to the Secretary of State, out of the General Expenditure Fund in the State Treasury, for each of the fiscal years 1946-1947 and 1947-1948, the sum of $2,000.

§ 23. Section 119.080 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

Candidates for offices to be voted for by the electors of one county or of a district less than one county, except members of Congress, shall file their nomination papers with the county clerk of the county at least forty-five days before the primary election. Candidates for offices to be voted for by the electors of more than one county, and for members of Congress, shall file their nomination papers with the Secretary of State at least fifty-five days before the primary election.

§ 24. Subsection (1) of Section 119.130 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Not less than forty-five days before the primary election is to be held, and after the order of the names has been determined as provided in KRS 119.140, the Secretary of State shall certify, to the county clerks of the respective counties entitled to participate in the nomination of the respective candidates, the name, place of residence and party of each candidate for each office, as specified in the nomination papers filed with him, and shall designate the device under which the candidate groups of lists of candidates of each party shall be printed, in the order in which they are to appear on the ballot.

§ 25. Subsections (2) and (3) of Section 119.140 of the Kentucky Revised Statutes of 1944 ar amended to read as follows:

(2) For all other offices for which nomination papers are filed with the Secretary of State, the order of names of candidates for each office shall be determined by lot at a public drawing to be held in the office of the Secretary of State at 2 p. m., Standard Time, fifty-three days before the primary election.

(3) For all offices for which nomination papers are filed in the office of the county clerk, the order in which the names of candidates for each office are to be printed on the ballot shall be determined by lot at a public drawing in the office of the county clerk at 2 p. m., Standard Time, forty-three days before the primary election.

§ 26. Subsections (2), (3) and (4) of Section 118.130 of the Kentucky Revised Statutes of 1944 are amended to read as follows:

(2) Certificates of nomination made by the governing authority of a party to fill vacancies in office, as provided in KRS 119.030, shall, when required to be filed with the Secretary of State, be filed not less than fifty-five days before the day fixed by law for the election of the person in nomination. When required to be filed with the county court clerk, they shall be filed not less than forty-five days before the day fixed by law for the election of the person in nomination.

(3) Except as provided in subsection (4) of this section, petitions and certificates of nomination made under KRS 118.080 and 118.090, when required to be filed with the Secretary of State, shall be filed not less than fifty-five days before the day fixed by law for the holding of primary elections. When required to be filed with the county court clerk, they shall be filed not less than forty-five days before the day fixed by law for holding of primary elections.

(4) Petitions and certificates of nomination made under KRS 118.080 and 118.090 for the nomination of candidates for city offices or of candidates for members of boards of education shall be filed not less than forty-five nor more than sixty

days before the day fixed by law for the election of the person in nomination, except that where any independent graded school district comprises parts of two or more counties the petitions or certificates shall be filed with the Secretary of State not less than fifty-five days prior to the day fixed for the election of the person in nomination. Certificates of nomination for electors of President and Vice President of the United States shall be filed with the Secretary of State not less than fifty-five days prior to the date fixed by law for the election of such electors.

§ 27. Subsection (1) of Section 118.180 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) All ballots shall be printed on number one opaque white book paper, weighing eighty pounds to the ream on the basis of a twenty-six by forty inch sheet, or forty pounds to the ream on the basis of a double cap sheet. The county clerk shall notify the Secretary of State sixty days before the day of election of the size and the number of ballots that will be necessary for his county, estimating five percent more to the precinct than there are registered voters in the county, and the Secretary of State shall furnish the paper within five days after the notification by the county clerk.

§ 28. Subsection (2) of Section 118.430 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Attorney-General shall state the substance of the amendment in the form of a question in a manner calculated to inform the electorate of the substance of the amendment, and shall certify the question to the Secretary of State for inclusion upon the ballot. The Secretary of State, not less than fifty days before the next regular election at which members of the General Assembly are to be chosen, shall certify the substance of the amendment, as stated and certified by the Attorney-General, to the county clerk of each county, and the county clerk shall have the substance of the amendment, as so certified, indicated on the ballot as provided in KRS 118.170.

§ 29. Subsections (1) and (2) of Section 89.060 of the Kentucky Revised Statutes of 1944 are amended to read as follows:

(1) In cities of the second and fourth classes no person shall be elected to the office of mayor, police judge or commissioner without first having been nominated in the manner prescribed by this section. On the seventh Saturday before the regular election day there shall be held a primary election. The primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.

(2) Each applicant for nomination shall, at least forty-five days before the day for the primary election, file with the county clerk a petition signed by at least one hundred voters, in a city of the second class, or by at least twenty voters, in a city of the fourth class, in the following form:

"We the undersigned, qualified voters of the city of ....., and residing each at the place indicated opposite his name, do hereby request that the name of..... .....be placed on the ballot as that of an applicant for nomination for the office of..... at the primary election to be held in our city on the seventh Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a person of good character; and he is, in our judgment qualified for the duties of the office sought by him.

Name	Number	Street
.....	.....	.....
.....	.....	.....
.....	.....	.....

The petition shall be verified by the affidavit of some person as to the genuineness of the signatures and addresses of the signers. No voter shall sign more than one petition with reference to each office that is to be filled. If a person signs more than one petition of applicants for nomination for mayor or police judge, or signs the petitions of more than four applicants for nomination for commissioners, the name of that petitioner shall not be counted as a valid name on any petition.

§ 30. Subsection (1) and (2) of Section 89.440 of the Kentucky Revised Statutes of 1944 are amended to read as follows:

(1) No person shall be elected to the office of mayor, police judge or commissioner without first having been nominated in the manner prescribed by this section. On the seventh Saturday before the day for the regular election there shall be held a primary election. The primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.

(2) Each applicant for nomination shall, at least forty-five days before the day of the primary election, file with the county clerk a petition signed by at least one hundred voters, in a city of the second class, or by at least fifty voters, in a city of the third or fourth class, in the following form:

"We the undersigned, qualified voters of the city of ....., and residing each at the place indicated opposite his name, do hereby request that the name of..... .....be placed on the ballot as that of an applicant for nomination for the office of....., at the primary election to be held in our city on the seventh Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a person of good character, and he is, in our judgment, qualified for the duties of said office.

Name	Number	Street
.....	.....	.....
.....	.....	.....
.....	.....	.....

The petition shall be verified by the affidavit of some person as to the genuineness of the signatures and addresses of the signers. No voter shall sign more than one petition with reference to each office that is to be filled. If any voter signs more than one petition of applicants for nomination for mayor or police judge, or signs the petitions of more applicants for nomination for commissioners than the number of commissioners to be elected, the name of that petitioner shall not be counted as a valid name on any petition.

§ 31. Sections 126.010 to 126.990, inclusive, of the Kentucky Revised Statutes of 1944 are repealed.

§ 32. Whereas, in order to make this Act operative for elections to be held during the year 1946, it is essential that

this Act take effect immediatly, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bills and resolutions be printed and referred to the Committee on Rules.

At the instance of the Committee on Rules, the following resolution was introduced, viz.:

By Mr. W. R. Smith.

H. Res. 115. Resolution making an appropriation for the purpose of paying claims of Ruby Watts, etc.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

THAT there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of $250.47 for the purpose of paying the claims of Ruby Watts, Sheriff of Knott County, for expenses incurred in returning certain fugitives from justice, and the Commissioner of Finance is directed to draw his warrant upon the State Teasurer in favor of the said Ruby Watts for the amount so appropriated.

Ordered that said resolution be printed and referred to the Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 507. An Act providing for the distribution of school equalization funds.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 157.051 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

As used in KRS 157.052 to 157.055:

(1) "Equalization fund" means a special fund of ten per cent of the total appropriation for common school fund, appropriated by the Geneal Assembly for the specific purpose of equalizing education service in the less able local school districts of Kentucky.

(2) "Adjusted recurring revenue" means all recurring revenue other than that produced by a subdistrict tax and that received by a school district from the equalization fund; provided that in a county school district only the amount of ad valorem revenue is included that was accrued at the tax rate of seventy-five cents per one hundred dollars of assessed valuation of property subject to local taxation, and that in an independent school district only the amount of ad valorem revenue is included that was accrued at the tax rate of one hundred cents per one hundred dollars of assessed valuation of property subject to local taxation.

(3) "Arithmetic mean index" means the quotient obtained when the sum of the average daily membership and the average daily attendance in a school district is divided by two.

(4) "Net ability index" means the quotient obtained when the total adjusted recurring revenue of a school district is divided by the arithmetic mean index.

Section 2. Section 157.052 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

The equalization fund shall be distributed and administered under the direction of the Superintendent of Public Instruction with the approval of the State Board of Education, as provided in KRS 157.053 to 157.055.

Section 3. Section 157.053 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Any board of education that has had its budgets and salary schedule for the ensuing school year approved by the State Board of Education, whose ratio of assessed valuation of property to fair cash value is equal to the average ratio

throughout the state, as certified to the State Board of Education by the Kentucky Tax Commission, and has levied for school purposes a tax of at least seventy-five cents on each one hundred dollars of property subject to local taxation and not less than the ad valorem tax levy made for the previous school year, shall have the privilege of applying for aid from the equalization fund.

(2) The Superintendent of Public Instruction shall make a careful study to determine annually the amount of adjusted recurring revenue that is available for the education of each pupil based on average daily membership and average daily attendance in the public schools in each school district in Kentucky. This study which shall be used as a basis for the distribution of moneys from the equalization fund, shall be based upon records and reports for the school year ending June 30 immediately preceding such study. After all school districts in the state have been arranged in a rank order from high to low according to their net-ability indices, the Superintendent of Public Instruction with the approval of the State Board of Education, shall distribute the equalization fund to districts qualifying under this Act so that, when the total adjusted recurring revenue of all participating districts plus the total equalization appropriation is divided by the total arithmetic mean indices of all participating districts, it will give the same amount of money per pupil per year represented in the arithmetic mean index in each participating school district.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Harold L. Barnes	W. G. Biggers
Walter J. Bailey	F. H. Bassett, Jr.	B. J. Bonn
F. O. Baker	Ott Begley	J. C. Bradley

John Y. Brown	W. H. Hunt	Kelse H. Risner
Mrs. Mary Burnett	Paul Jonas	Amos Runyan
Chas. W. Burnley	Homer E. Losey	J. W. Simmons
W. K. Coleman	A. L. Love	Luther Slusher
S. J. Daugherty	H. K. Lowman	Forrest Smith
G. I. Drury	E. J. Lucas	W. R. Smith
Bernie S. Edlin	F. G. Marquette	E. A. Spencer
M. B. Gilligan	E. H. Martin	Paul J. Stapleton
Otto W. Goff	W. E. McClure	E. L. Thompson
Harold G. Helm	Jack McPherron	Ray G. Tipton
E. R. Hilton	Harry L. Moore	Walter L. Trivette
Clyde S. Howard	J. Lee Moore	S. J. Wagner
Maurice Howard	E. C. Mullins	Harry F. Walters
Jerry F. Howell	Joe E. Nunn	Rodney Whitlow
J. J. Huff	Louis T. Peniston	John Wilborn
Ira W. Hulette		—55

Those who voted in the negative were—

A. H. Eversole Geo. W. Steinford —2

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 492. An Act amending Sec. 311.210 KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 311.210 Kentucky Revised Statutes is hereby amended and as amended reads as follows:

GROUNDS FOR SUSPENSION, REVOCATION, REFUSAL TO ISSUE LICENSE.

(1) The board may suspend, revoke or refuse to issue a license to practice optometry for any of the grounds listed in KRS 311.110.

(2) It may also revoke any optometrist's license for:

(a) Practicing as an itinerant or peddling from door to door, establishing a temporary office or practing optometry outside or away from his regular office or place of business.

(b) Commiting any gross immorality or fraud, or making any false statement.

(c) Employing, procuring or inducing any person not holding a license to practice optometry or any branch of medicine or aiding or abetting such person to practice optometry or any branch of medicine.

(d) Advertising superiority of performance of professional service or seeking patronage by advertising prices for eyeglasses, spectacles, ophthalmic lenses, frames, mounting or optometric devises.

(e) Seeking patronage by advertising free optometric services or free examinations, making any statement or advertising or claiming to guarantee any optometric service of any eyeglasses, lenses, frames or mountings.

(f) Seeking patronage by means of solicitors, canvassers or agents, or by publishing, directly or indirectly, any false, fradulent or misleading statement as to skill of method of practice of any person in the practice of medicine or optometry.

(g) Advertising credit or terms of credit; or advertising by means of large displays; or by electric signs, or by any illuminated sign; or any sign that sets forth more than the name, profession, title (such as O. D. or O.D.S.) and office hours of the optometrist, the lettering or such sign must not exceed six inches in height; or by advertising by means of a sign or display which contains or is a representation of any eyeglasses, spectacles, lenses, frames or mountings; or advertises for patronage by means of any window display handbills, posters, circulars, stereoptican slides, motion pictures, radio, newspapers or periodicals.

(3) Nothing in this section shall prevent any optometrist from establishing branch offices if such offices are fully equipped with the instruments necessary to make an optometric examination and if every such office is in charge of a licensed optometrist.

(4) No license may be refused, suspended or revoked except as provided in KRS 311.120.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Maurice Howard	J. W. Simmons
Walter J. Bailey	Jerry F. Howell	W. R. Smith
F. O. Baker	W. H. Hunt	Paul J. Stapleton
Mrs. Mary Burnett	G. O. Kirkpatrick	Geo. W. Steinford
Adron Doran	E. H. Martin	S. J. Wagner
Tom Gilliam	Rodes K. Myers	Harry F. Walters
Clyde S. Howard	Wade H. Riley	Morris Weintraub

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Those who voted in the negative were—

Harold L. Barnes	M. B. Gilligan	Ed Marcum
F. H. Bassett, Jr.	Otto W. Goff	W. E. McClure
W. G. Biggers	E. R. Hilton	Jack McPherron
Jack Bingham	J. J. Huff	Harry L. Moore
B. J. Bonn	Ira W. Hulette	J. Lee Moore
J. C. Bradley	Paul Jonas	Fred Morgan
Chas. W. Burnley	L. H. Jones	Joe T. Morgan
W. K. Coleman	B. F. Kincaid	E. C. Mullins
L. A. Demunbrun	Edgar Kitchen	J. C. Newcomb
E. R. Denny	Homer E. Losey	Louis T. Peniston
G. I. Drury	A. L. Love	Sylvester Phillips
Forest C. Easley	H. K. Lowman	L. W. Preston
A. H. Eversole	E. J. Lucas	E. F. Prichard

Hobart Rayburn	E. A. Spencer	E. N. Todd
Kelse H. Risner	E. L. Thompson	Walter L. Trivette
Amos Runyan	Ray G. Tipton	—47

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 515. An Act authorizing the State Board of Education to accept, on behalf of the Commonwealth a conveyance of the properties of the Lincoln Institute.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In the event the Board of Trustees of the Lincoln Institute in Shelby County, Kentucky, shall tender to the Commonwealth a deed of conveyance conveying the properties of said institute, the State Board of Education is hereby authorized to accept said conveyance on behalf of the Commonwealth and to thereafter operate the institute as a state institution of learning in accordance with the terms and conditions of the instruments pursuant to which the institute was originally established.

§ 2. In order to make provision for the adequate operation of Lincoln Institute as a practice-teacher-training high school pending transfer of the properties of said institute to the Commonwealth, and in order that the private funds and donations available to the institute may be released for reconstruction of the buildings to replace the fire loss above referred to, there is hereby appropriated out of the General Expenditure Fund in the State Treasury, the sum of $30,000.00 for each of the fiscal years 1946-1947 and 1947-1948, said sums to be in addition to the sums appropriated by House Bill No. 124 of the 1946 General Assembly. If, during either of said fiscal years, the properties of the institute are conveyed to the Commonwealth, the moneys hereby appropriated, together with the moneys appropriated by House Bill No. 124, shall be available to the State Board of Education for ordinary re-

curring expenses of operation of the institute. If, during either of the fiscal years 1946-1947 and 1947-1948, the properties of the Lincoln Institute are conveyed to the Commonwealth as above contemplated, there is hereby appropriated to the State Board of Education, for the fiscal year in which such conveyance was made, out of the General Expenditure Fund in the State Treasury, the sum of $100,000 for capital outlay at the said institute.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Otto W. Goff	Jack McPherron
Walter J. Bailey	Harold G. Helm	Harry L. Moore
F. O. Baker	E. R. Hilton	J. Lee Moore
Harold L. Barnes	Clyde S. Howard	Fred Morgan
F. H. Bassett, Jr.	Maurice Howard	Joe T. Morgan
W. G. Biggers	Jerry F. Howell	E. C. Mullins
Jack Bingham	J. J. Huff	J. C. Newcomb
B. J. Bonn	Ira W. Hulette	Thos. A. Noe
J. C. Bradley	W. H. Hunt	Louis T. Peniston
Mrs. Mary Burnett	Kerby Jennings	Sylvester Phillips
Chas. W. Burnley	Paul Jonas	L. W. Preston
W. K. Coleman	L. H. Jones	E. F. Prichard
S. J. Daugherty	B. F. Kincaid	Hobart Rayburn
L. A. Demumbrun	G. O. Kirkpatrick	Wade H. Riley
E. R. Denny	Edgar Kitchen	Kelse H. Risner
Adron Doran	Homer E. Losey	Amos Runyan
G. I. Drury	A. L. Love	J. W. Simmons
Forest C. Easley	H. K. Lowman	Luther Slusher
Bernie S. Edlin	E. J. Lucas	W. R. Smith
A. H. Eversole	Ed Marcum	E. A. Spencer
Tom Gilliam	E. H. Martin	Paul J. Stapleton
M. B. Gilligan	W. E. McClure	Geo. W. Steinford

E. L. Thompson	Walter L. Trivette	Morris Weintraub
Ray G. Tipton	Harry F. Walters	John Wilborn
E. N. Todd	Geo. J. Weining	Mr. Speaker

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lien on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 418. An Act relating to cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 93.120 of the Kentucky Revised Statutes is hereby amended and as amended reads:

(1) The Department of Public Works may lease and receive the rentals from any portion of the wharf property not, at the time, needed for wharf purposes. All leases shall provide for their cancellation, upon such notice as is stipulated therein, whenever the property lease is, in the judgment of the Director of Works, required for wharf purposes, subject to the approval of the Mayor, and any such leases may provide that they may be so cancelled only upon payment by the city to the lessee of the then fair value of any improvements erected on the land of the city by the lessee and then existing, whereupon such improvements become the property of the city, and shall be conveyed to it by the lessee. Such fair value shall be based upon prudent original cost less depreciation and obsolescence.

(2) All monies received from wharves, landings, and leases shall be paid into the Department of Public Finance of the city at the end of each week, and placed by the Director of Finance to the credit of wharves.

(3) The salaries and expense of operating the wharves and landings shall be paid out of this fund. The net revenue derived from wharves, landings and leases shall be placed by the Director of Finance annually to the credit of the general purposes fund.

Mr. Stone offered the following amendment to said bill, viz.:

Amend H. B. 418 on page 1 by striking out the word "lease" in line 6, and substituting in lieu thereof the word "leased".

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Adron Doran	B. F. Kincaid
F. O. Baker	G. I. Drury	G. O. Kirkpatrick
Harold L. Barnes	Forest C. Easley	A. L. Love
F. H. Bassett, Jr.	Tom Gilliam	H. K. Lowman
W. G. Biggers	M. B. Gilligan	E. J. Lucas
Jack Bingham	Otto W. Goff	Ed Marcum
B. J. Bonn	Harold G. Helm	E. H. Martin
J. C. Bradley	E. R. Hilton	Jack McPherron
John Y. Brown	Clyde S. Howard	Harry L. Moore
Mrs. Mary Burnett	Jerry F. Howell	J. Lee Moore
Chas. W. Burnley	J. J. Huff	Fred Morgan
W. K. Coleman	Ira W. Hulette	E. C. Mullins
L. A. Demumbrun	Paul Jonas	Rodes K. Myers
E. R. Denny	L. H. Jones	J. C. Newcomb

Thos. A. Noe	Luther Slusher	E. N. Todd
Louis T. Peniston	W. R. Smith	Walter L. Trivette
Sylvester Phillips	E. A. Spencer	Harry F. Walters
E. F. Prichard	Paul J. Stapleton	Geo. J. Weining
Wade H. Riley	Geo. W. Steinford	Morris Weintraub
Kelse H. Risner	Ralph G. Stone	Rodney Whitlow
Amos Runyan	E. L. Thompson	John Wilborn
J. W. Simmons	Ray G. Tipton	—65

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the house took up for consideration from the Orders of the Day, a bill entitled:

H. B. 514. An Act to provide Homes for Kentucky Veterans.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Article I.

Section 1. Definitions. As used in Article I of this Act, unless the context otherwise requires:

(a) "Veteran" means any person inducted into any of the armed services of the United States under the National Selective Service Act, and any person who has served or may hereafter serve in any branch of the United States Army, the Navy, or other armed services during World War II or during the present national emergency.

(b) "Housing commission" or "commission" means any housing commission created pursuant to this Act.

(c) "Housing project" means a building or buildings containing rooms to be provided as living quarters, and other

facilities and appurtenances deemed reasonably necessary by the housing commission to the successful and economical operation of the project, including such buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances; streets, sewers, water services, and site preparation.

(d) "Public body" means any city, village, county, commission, district, authority or other public body or political subdivision of the Commonwealth.

(e) "Federal Goverment" includes the United States of America, the United States Housing Authority, and any other agency or instrumentality of the United States of America.

(f) "Bonds" means any bonds, notes, interim certificates, debentures or other obligations.

(g) "Revenue bonds" means any bonds, notes, interim certificates, debentures or other obligations which by their terms are payable only and solely out of revenues derived from rents, the sale of real and personal property owned by any Veterans' Housing Commission, and from gifts or grants. In no event shall any revenue bond constitute a general obligation of any city, village, county, commission, district, authority or other public body or political subdivision of the Commonwealth of Kentucky.

Section 2. Cities of all classes may acquire, establish and operate housing projects under the provisions of this Act, for the purpose of providing adequate and sanitary living quarters for Kentucky veterans and their families. They may create city housing commissions, and they and the commissions created by them shall have all powers necessary and appropriate to engage in such housing projects.

Section 3. A city Veterans' Housing Commission in cities of the first five classes shall consist of the mayor, ex officio, and four persons appointed by him with the approval of the city legislative body. A veterans' city housing commission in cities of the sixth class shall consist of the chairman of the board of trustees, ex officio, and four persons appointed by him with the approval of the board of trustees.

Section 4. Each person appointed to a veterans' city housing commission shall be at least twenty-five years of age and a bona fide resident of the city for which he was appointed for at least one year preceding the appointment. No officer or employe of the city, whether holding a paid or unpaid office, shall be eligible to hold an appointment on the veterans' housing commission. No more than two appointees on any city veterans' housing commission shall be affiliated with the same political party. Appointees to any city veterans' housing commission shall be originally appointed for terms of four years. Upon expiration of the term of the first appointees, their successors shall be appointed for terms of one, two, and three years, respectively, and upon expiration of the term of each of the second group of appointees his successor shall be appointed for a term of four years. Vacancies shall be filled for unexpired terms in the same manner as the original appointment.

Section 5. The persons appointed as provided in sections 2 to 5 of this Act shall constitute a body corporate in the name of.....Municipal Veterans' Housing Commission, with power to contract and be contracted with, to sue and be sued, and to adopt a seal and alter it at will. Each municipal veterans' housing commission may establish by-laws, rules and regulations for its own government. Each municipal veterans' housing commission shall elect a chairman and a vice chairman from its members, and a secretary and treasurer who need not be a member of the commission. The duties of the offices of secretary and treasurer may be performed by the same person.

Section 6. Each member of a veterans' housing commission, except an ex officio member, shall receive compensation either as a salary or as payment for meetings attended. The compensation of members of a veterans' housing commission shall be fixed by the legislative body of the city. The veterans' housing commission shall fix the compensation of the secretary and treasurer, but the city legislative body may fix or limit the salary.

Section 7. The veterans' housing commission may employ technical experts and attorneys, and any other employes

that it deems necessary. The veterans' housing commission may fix the compensation of its employes. The legislative body of the city may prescribe the limitations of compensation for employes of the veterans' housing commission, and may prescribe whether or not an employe shall devote his entire time to his duties as an employe of the veterans' housing commission.

Section 8. No member or employe of a veterans' housing commission shall acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall he have any interest in any contract or proposed contract for materials or services to be furnished or used in connection with any project. If any member or employe of any veterans' housing commission owns or controls an interest, direct or indirect, in any property included in any project, which interest was acquired prior to his appointment or employment, he shall disclose the same to the veterans' housing commission at the time of his appointment and the disclosure shall be entered upon the minutes of the commission.

Section 9. Whenever it appears to an appointive officer that a member of a veterans' housing commission is incompetent or guilty of neglect of duty, or misfeasance or malfeasance, the appointed member may be required to appear before the commission to show cause why he should not be removed from office. At least fifteen days' written notice of the hearing shall be given to the member whose conduct is in question, and to all other members. At the hearing the member may be heard and he may present such pertinent evidence as he wishes or as requested. If after the hearing the commission feels that a member has been incompetent, or has been guilty of neglect of duty, or misfeasance or malfeasance, it shall remove the member within seven days and there shall be a vacancy in the office to be lled as in this Act provided.

Section 10. The veterans' housing commission shall:

(a) Prepare or cause to be prepared proper plans and specifications for the construction of veterans' housing projects;

(b) Select the location, and determine the size, type and method of construction;

(c) Make or cause to be made the necessary estimates of the probable cost of construction and of the acquisition of the land and rights for the sites;

(d) Enter into the necessary contracts to build the necessary builindgs; and

(e) Cause a survey and map to be made of all lands, rights-of-way, franchises, easements or other interests in land, owned by any person, the acquisition of which may be deemed necessary for the construction of the veterans' housing project, and cause the map and survey to be filed in its office.

Section 11. The commission shall not proceed to exercise or carry out any authority or power herein given it to bind the commission beyond the extent to which money has been provided under the authority of this Act.

Section 12. No contract or agreement with any contractor for the construction of a veterans' housing project, exceeding one thousand five hundred ($1,500.00) dollars shall be made without advertising for bids. The bids shall be opened publicly and the award made to the best bidder, with power in the Commission to reject any or all bids.

Section 13. A veterans' housing commission may acquire by gift, devise, bequest, lease, grant, or purchase, solely from the funds provided under the authority of this Act, lands, structures, or interests in land or structures necessary for the low cost of veterans' housing projects, upon terms, prices, or considerations considered reasonable by the commission and agreed upon between the commission and the owner. Title to all property acquired by the commission shall be taken in the corporate name of the commission.

Section 14. If it becomes necessary to condemn property to construct a veterans' housing project, or secure rights-of-way leading thereto, the veterans' housing commission may, by resolution reciting the need, order the condemnation of any land or improvements or interest in land that it deems necessary. Proceedings for the condemnation shall be the same as that provided in KRS 416.120, and the city attorney

shall conduct the proceedings for the commission. No payment or award in any condemnation proceedings, or for the cost or expense of the proceedings, shall be made except from funds provided under the authority of this Act.

Section 15. The veterans' housing commission shall operate, manage and control veterans' housing projects in their entirety, fix the rate of rentals, and establish by-laws, rules and regulations for the use and operation of the projects not inconsistent with the provisions of this Act. The legislative body of the city may prescribe by ordinance penalties for the violation of by-laws, rules and regulations of a project located within the city.

Section 16. The veterans' housing commission shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with decent, safe and sanitary dwelling accommodations, and no veterans' housing commission shall construct or operate any veterans' housing project for profit, or as a source of revenue to the city.

Section 17. A veteran's housing commission may rent or lease the dwelling accommodations of a veterans' housing project only to Kentucky veterans, and they shall be selected by the commission upon the basis of those in greatest need of such housing. A veterans' housing commission may rent or lease to a veteran dwelling accommodations consisting only of the number of rooms it deems necessary to provide safe and sanitary accommodations to the proposed occupants without overcrowding.

Nothing contained in this section shall limit the power of a veterans' housing commission to vest in an obligee of the commission the right, in the event of a default by the commission, to take possession of a veterans' housing project or cause the appointment of a receiver thereof, free from all of the restrictions imposed by this section.

Section 18. Cities of all classes may provide funds for carrying out the purposes of this Act by the issuance of revenue bonds pursuant to a resolution of the veterans' housing commission. The bonds or other obligations of a veterans'

housing commission shall not constitute an obligation of the city. The bonds shall be payable solely and only out of the property, revenues and assets of the veterans' housing commission. Nothing contained in this Act shall authorize or permit any city to incur any obligation of any nature prohibited by the Constitution. Subject to the restrictions set forth in this Act, a city veterans' housing commission may incur any indebtedness and issue any obligations and give any security it deems necessary or advisable in connection with any project undertaken by it. A city veterans' housing commission may issue its bonds to pay for its indebtedness from time to time, in such amounts, with such maturities, and upon such terms and conditions and upon such security as it deems necessary or advisable in connection with any project undertaken or to be undertaken by it. The bonds shall be signed by the chairman of the veterans' housing commission, or other agent designated by the commission, and by the mayor in the case of cities of the first five classes, and by the chairman of the board of trustees in the case of cities of the sixth class, or by the presiding officer of the legislative body of the city under the city's seal attested by a finance officer of the city.

Any city veterans' housing commission may in connection with the borrowing of funds or otherwise enter into agreements with the Federal Government providing for supervision and control of the veterans' housing commission or any veterans' housing project and containing such other covenants, terms and conditions as the housing commission deems advisable. In connection with any loan, the city veterans' housing commission is authorized to agree to limitations upon the exercise of its powers.

Bonds issued pursuant to this Act shall have, in the hands of a bona fide holder, all of the qualities and incidents of negotiable instruments. They shall be exempt from taxation by the State and its political subdivisions, and the income therefrom shall be exempt from the State Income Tax. It shall be plainly stated on the face of each bond that it has been issued under the provisions of this Act and that it does not constitute an indebtedness of the city within the meaning

of any constitutional provisions or limitations. In case any provision is made for the redemption or prepayment of any bond before maturity, such provision shall require that the bond to be redeemed or prepaid shall be selected by lot from the whole number of the issue then outstanding. The bonds may be issued without a vote of the voters and without any other proceedings or conditions than those specified by this Act and by the Constitution.

All revenue bonds issued shall be sold to the highest and best bidder after being duly advertised for such time and in such manner as may be prescribed by the veterans' housing commission or by the legislative body of the city.

Section 19. The rents and other revenues of a city veterans' housing commission shall be applied: first to pay the interest and principal of the bonds issued under the provisions of this Act as payments fall due; next, to pay the costs of maintaining, repairing, improving and operating its projects; next, to create such reserve as the veterans' housing commission deems necessary and proper. The excess if any, of any rents may be applied to the prepayment of the obligations of the veterans' housing commission, or may be placed in a special fund for the purpose of paying the principal and interest of the obligations as they become due.

Section 20. For the purpose of aiding and cooperating in the planning, undertaking, construction and operation of veterans' housing projects located within the area in which it is authorized to act, any public body may, upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses, or any other rights or privileges therein to a veterans' housing commission or to the Federal Government;

(b) Cause water, sewer, or drainage facilities, or any other works which it is empowered to undertake, to be furnished adjacent to or in connection with veterans' housing projects;

(c) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan public ways or other places which it is otherwise empowered to undertake;

(d) Plan or replan, zone or rezone any part of the public body; make exceptions from building regulations and ordinances;

(e) Cause services to be furnished to the veterans' housing commission of the character which the public body is otherwise empowered to furnish;

(f) Enter into agreements with respect to the exercise by such public body of its powers relating to the repairing, closing, or demolition of unsafe, unsanitary, or unfit dwellings;

(g) Employ any funds allocated to or within the control of such public body, including funds derived from the sale or furnishing of property or facilities to a veterans' housing commission, in the purchase of the bonds or other obligations of a veterans' housing commission; and exercise all the rights of any holder of such bonds or other obligations;

(h) Do any and all other things necessary or convenient to aid, undertake and cooperate in the planning, undertaking or construction or operation of veterans' housing projects;

(i) Incur any part or the entire expense of any public improvements made by such public body in exercising the powers granted in this section;

(j) Enter into agreements, which may extend over any period, with a veterans' housing commission respecting action to be taken by such public body pursuant to the powers granted by this section; and

(k) Any sale, conveyance, lease, or agreement provided for in this Act may be made by a public body without appraisal, public notice, advertisement or public bidding.

Section 21. Any city or county located in whole or in part within the area of operation of a veterans' housing commission may from time to time lend or donate money to a veterans' housing commission or agree to take such action. The veterans' housing commission, when it has money available therefor, shall make reimbursements for all such loans made to it.

Article II

Section 1. Definitions. As used in Article II of this Act, unless the context otherwise requires:

(a) "Bonds" means any bonds, notes, interim certificates, debentures, and other obligations issued by any veterans' housing commission pursuant to this Article II of this Act.

(b) "Clerk" means the clerk of the city or the clerk of the county, as the case may be, or the officer charged with the duties customarily imposed on such clerk.

(c) "Commission" or "Veterans' Housing Commission" means any of the public corporations created pursuant to the provisions of this Article II of this Act.

(d) "Federal Government" includes the United States of America, the United States Housing Authority, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

(e) "Governing body" means, in the case of a city, the city legislative body; and in the case of a county, the fiscal court.

(f) "Housing project" or "Veterans' Housing Project" means any work or undertaking to provide, decent, safe, and sanitary urban or rural dwellings, apartments, or other living accommodations for Kentucky veterans; such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, site preparation, administrative, welfare, or other purposes; or to accomplish a combination of the foregoing. The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repairing of the improvements, and all other work in connection therewith.

(g) "Mayor" means the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city.

(h) "Obligee of the commission" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessor leasing to the veterans' housing commission property used in connection with a veterans' housing project, or any assignee or assignees of such lessor's interest

or any part thereof, and the Federal Government when it is a party to any contract with a veterans' housing commission.

(i) "Veteran" means any person inducted into any of the armed services of the United States under the National Selective Service Act, and any person who has served or may hereafter serve in any branch of the United States Army, the Navy, or other armed services during World War II or during the present national emergency.

(j) "Real property" includes all lands and the improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, and right, legal or equitable therein, including terms for years and liens by way of judgment, mortgage or otherwise, and the indebtedness secured by such liens.

Section 2. If the governing body of a county, by resolution, declares (upon findings hereinafter in this Article prescribed) that there is a need for a veterans' housing commission to be created for such county, to exercise therein powers and other functions prescribed for a veterans' housing commission of a county, a County Veterans' Housing Commission shall thereupon exist for such county.

If the governing body of each of two or more contiguous counties, by resolution, declares (upon findings prescribed by this Act) that there is a need for one veterans' housing commission to be created for all of such counties, to exercise in such counties powers and other functions prescribed for a regional veterans' housing commission, a regional veterans' housing commission shall thereupon exist for all of such counties and exercise its powers and other functions in such counties. If there is a county veterans' housing commission created for a county, the governing body of that county shall not adopt such resolution unless first, all holders of any outstanding bonds, notes, or other evidences of indebtedness of such county veterans' housing commission consent to such action and the county veterans' housing commission adopts a resolution not to thereafter initiate any veterans' housing project within such county.

Section 3. The area of operation of a veterans' housing commission created for a county shall include all of the county

for which it is created, and the area of operation of a regional veterans' housing commission shall include, except as otherwise in this Article provided, all of the counties for which such regional veterans' housing commission is created and established. But no county or regional veterans' housing commission shall undertake any veterans' housing project or projects within the boundaries of a city, unless a resolution has been adopted by the governing body of the city and also by any veterans' housing commission which has been created for that city pursuant to Article I of this Act, declaring that there is a need for the county or regional veterans' housing commission to exercise its powers within that city.

Section 4. The area of operation of a regional veterans' housing commission shall be increased from time to time to include one or more additional contiguous counties not already within a regional veterans' housing commission, if the governing body of each of the counties then included in the area of operation of the regional veterans' housing commission, the commissioners of the regional veterans' housing commission, and the governing body of each such additional county or counties, each adopt a resolution declaring that there is a need for the inclusion of such additional county or counties in the area of operation of the regional veterans' housing commission. Such resolutions shall not be adopted if there is a county veterans' housing commission created for any such additional county, unless first, all holders of any outstanding bonds, notes, or other evidences of indebtedness of that county veterans' housing commission consent in writing to such action and the county veterans housing commission adopts a resolution not to thereafter initiate any veterans' housing project within that county.

Section 5. The area of operation of a regional veterans' housing commission shall be decreased from time to time to exclude one or more counties from such area, if the governing body of each of the counties in such area and the commissioners of the regional veterans' housing commission each adopt a resolution declaring there is a need for excluding such county or counties from such area. No action shall be taken pursuant to this section if the regional veterans housing com-

mission has outstanding any bonds, notes, or other evidences of indebtedness, unless first, all holders of such evidences of indebtedness consent in writing to such action. If such action decreases the area of operation of the regional veterans' housing commission to only one county, the commission shall thereupon constitute and become a veterans' housing commission for that county, in the same manner as though the commission were created pursuant to section 2 of this Article of this Act, and the commissioners of such county veterans' housing commission shall be thereupon appointed as provided for the appointment of commissioners of a veterans' housing commission created for a county.

Section 6. The governing body of each of the counties in the area of operation of the regional veterans' housing commission, and the commissioners of the regional veterans' housing commission shall adopt a resolution declaring that there is a need for excluding a county or counties from such area if:

(1) Each of the governing bodies of the counties to remain in the area of operation of the regional veterans' housing commission, and the commissioners of the regional veterans housing commission, find that (because of facts arising or determined subsequent to the time when such area first included the county or counties to be excluded) the regional veterans' housing commission would be a more efficient or economical administrative unit to carry out the purposes of this Act if such county or counties were excluded from such area; and

(2) The governing body of each such county or counties to be excluded, and the commissioners of the regional veterans' housing commission, each, also find that (because of the aforesaid changed facts) the purposes of this Act could be carried out more efficiently or economically in such county or counties if the area of operation of the regional veterans' housing commission did not include such county or counties.

Section 7. Any property held by a regional veterans' housing commission within a county or counties excluded from the area of operation of such commission, as herein provided, shall, as soon as practicable after the exclusion of

said county or counties respectively, be disposed of such commission in the public interest.

Section 8. No governing body of a city or county shall adopt a resolution under the provisions of this Article II of this Act, declaring that there is a need for a veterans' housing commission to be created, or to exercise its powers within such city or county, or that there is a need to include such city or county within the area of operation of a veterans' housing commission, unless such governing body shall have found substantially that there are a sufficient number of veterans who, with their families, are in need of safe, sanitary dwelling accommodations in such city or county; and that these conditions can be best remedied through the exercise of the veterans' housing commissions' powers within the territorial boundaries of such city or county.

Section 9. In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of a veterans' housing commission, the commission shall be conclusively deemed to have become created as a public body corporate and politic upon proof of the adoption of the resolution of the governing body, declaring the need for the veterans' housing commission as required by this Act. Such resolution or resolutions shall be deemed sufficient if it declares that there is such need for the veterans' housing commission, and finds in substantially the foregoing terms that the conditions enumerated in Section 8 of this Article II exists in the city or county or region, as the case may be. A copy of the resolution or resolutions, duly certified by the clerk, shall be admissible in evidence in any suit, action, or proceeding.

Section 10. If a veterans' housing commission is created for a county, the governing body of that county shall appoint five (5) persons as commissioners of the veterans' housing commission. Three of the five commissioners who are first appointed shall be designated to serve for terms of one, two, or three years, and two of such commissioners for terms of four years, respectively, from the date of their appointments; but thereafter commissioners of the veterans' housing com-

mission shall be appointed as aforesaid for terms of four years, except that all vacancies shall be filled by the governing body for the unexpired terms.

Section 11. The governing body of each county included in a regional veterans' housing commission shall appoint one person as a commissioner of the regional veterans' housing commission, and each such commissioner to be first appointed by the governing body of a county may be appointed at or after the time of the adoption of the resolution declaring the need for such regional veterans' housing commission or declaring the need for the inclusion of such county in the area of operation of such regional veterans' housing commission. When the area of operation of a regional veterans' housing commission is increased to include an additional county or counties as provided above, the governing body of each such county shall thereupon appoint one additional person as a commissioner of the regional veterans' housinging commission. The governing body of each county shall appoint the successor of the commissioner appointed by it. If any county is excluded from the area of operation of a regional veterans' housing commission, the office of commissioner of such regional veterans' housing commission appointed by the governing body of such county shall be thereupon abolished.

If the area of operation of the regional veterans' housing commission consists at any time of an even number of counties, the commissioners of the regional veterans' housing commission appointed by the governing body of such counties shall appoint one additional commissioner, whose term of office shall be as herein provided for a regional veterans' housing commissioner, except that such term shall end at an earlier time that the area of operation of the regional veterans' housing commission shall be changed to consist of an odd number of counties. The commissioners of such commission appointed by the governing bodies of such counties shall likewise appoint each person to succeed such additional commissioner; Provided that the term of office of such person begins during the terms of office of the commissioners appointing him.

The commissioners of a regional veterans' housing commission shall be appointed for terms of four years, except that all vacancies shall be filled by the appointing authority for the unexpired term.

Section 12. A certificate of the appointment of any commissioner shall be filed with the clerk (provided that in the case of appointment of a commissioner of a regional veterans' housing commission by its other commissioner, such certificate shall be signed by the commissioners making the appointment and filed with the other records of the regional veterans' housing commission), and such certificates shall be conclusive evidence of the due and proper appointment of such commissioner. No commissioner shall be an officer or employe of a county for which the commission is created. A commissioner shall hold office until his successor has been appointed and has qualified, except as otherwise provided herein. A commissioner shall receive no compensation for his services for the commission, in any capacity, but he shall be entitled to be paid his necessary travel and other expenses incurred in the discharge of his duties.

Section 13. The commissioners shall constitute the veterans' housing commission. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising powers and for all other purposes. Action may be taken by the commission upon a vote of the majority of the commissioners present, unless in any case the by-laws of the commission require a larger number. The commission shall select from among its commissioners a chairman and a vice chairman, and it may employ a secretary, who shall be executive director, technical experts, and such other officers, agents, and other employes, permanent and temporary, as it may require and shall determine their qualifications, duties, and compensation. For such legal services as it may require, a veterans' housing commission may call upon the chief law officer of the city or county for which it is created, or may employ its own legal staff. A veterans' housing commission may delegate to its own employees such powers or duties as it deems proper.

Section 14. Meetings of the commissioners of a veterans' housing commission may be held anywhere within the boundaries of the area of operation or territorial jurisdiction of such commission, or within any additional area where the veterans' housing commission is authorized to undertake a veterans' housing project, and any person may be appointed as a commissioner who resides within such boundaries or such additional area, and who is otherwise eligible for such appointment under the provisions of this Act.

Section 15. No commissioner or employe of a veterans' housing commission shall acquire any interest, direct or indirect, in any veterans' housing project, or in any property included or planned to be included in any veterans' housing project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services used or to be used in connection with any veterans' housing project. If any commissioner or employe of a veterans' housing commission owns or controls an interest, direct or indirect, in any property included or planned to be included in any veterans' housing project, he immediately shall disclose to the commission and such disclosure shall be entered upon the minutes of the veterans' housing commission. Failure to disclose such interest shall constitute misconduct in office. Upon such disclosure, such commissioner or employe shall not participate in any action by the veterans' housing commission affecting such property.

Section 16. For inefficiency or neglect of duty or misconduct in office or misfeasance or malfeasance, a commissioner may be removed by the authority appointing him; but a commissioner shall be removed only after he has been given a copy of the charges against him at least ten days prior to the hearing thereon, and has had an opportunity to be heard. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed, as required for the certificate of appointment of such commissioner.

Section 17. If the governing body of each of two or more cities (whether or not contiguous), by resolution, declares that there is a need for one veterans' housing commission to

be created for all of such cities, to exercise in such cities the power and other functions prescribed for a consolidated veterans' housing commission, a public body corporate and politic to be known as a "Consolidated Veterans' Housing Commission" (with such corporate name as it selects), shall thereupon exist for all of such cities and exercise its powers and other functions within its area of operation, as herein defined, including the power to undertake veterans' housing projects therein.

The area of operation of a consolidated veterans' housing commission shall include all of the territory within the boundaries of each city joining in the creation of such consolidated veterans' housing commission, except that such area of operation may be changed to include or exclude any city or cities in the same manner and under the same provisions as in this Article II of this Act provided for changing the area of operation of a regional veterans' housing commission by including or excluding a county or counties.

If the area of operation of a consolidated veterans' housing commission is decreased to only one city, such commission shall thereupon constitute and become a veterans' housing commission for such city, in the same manner as though such commission were thereupon created pursuant to Article I of this Act; and for all such purposes the term "county" shall be construed as meaning "city," the terms "county veterans' housing commission" and "regional veterans' housing commission" shall be construed as meaning "veterans' housing commission of the city" and "veterans' consolidated housing commission" respectively and the term "governing body" shall be construed as meaning "mayor," unless a different meaning clearly appears from the context.

Section 18. Any veterans' housing commission created under the terms of this Act shall constitute a public body corporate and politic, exercising public and essential governmental functions, and shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including all powers specifically enumerated in Section 10, Article I of this Act.

Article III.

Section 1. Bonds or other obligations issued by any veterans' housing commission for a veterans' housing project developed or administered pursuant to the provisions of this Act, shall be eligible for security for public deposits and legal investments to the same extent and for the same persons, institutions, associations, corporations, bodies and officers as bond or other obligation issued pursuant to KRS 80.010 to 80.250 and KRS 80.310 to 80.610.

Section 2. Any veterans' housing commission created under the provisions of this Act may cooperate with, or act as an agent for, the Federal Government in the development or administration of similar projects by the Federal Government. In acting under this authorization, a veterans' housing commission shall not be subject to any limitations, restrictions or requirements of other laws, except those relating to land acquisition. Any veterans' housing commission created under the provisions of this Act may do any and all things necessary or desirable to cooperate with, or act as agent for, the Federal Government, or to secure financial aid, in the expeditious development or in the administration of projects to assure the availability of safe and sanitary dwellings for Kentucky veterans.

The enumeration of powers in this Act shall in nowise be construed as a limitation upon the powers of any veterans' housing commission, except as expressly provided or as limited by the Constitution of Kentucky. The provisions of this Act shall be construed as supplementary and as in addition to any other laws now in force.

Section 3. WHEREAS, there is now a critically accute housing shortage, and

WHEREAS, thousands of returning Kentucky veterans are in immediate need of housing for themselves and their families, an emergency is declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Andrson	Jerry F. Howell	L. W. Preston
F. O. Baker	J. J. Huff	E. F. Prichard
Harold L. Barnes	Ira W. Hulette	Wade H. Riley
F. H. Bassett, Jr.	Paul Jonas	Kelse H. Risner
W. G. Biggers	L. H. Jones	Amos Runyan
Jack Bingham	B. F. Kincaid	J. W. Simmons
B. J. Bonn	G. O. Kirkpatrick	Luther Slusher
John Y. Brown	Edgar Kitchen	W. R. Smith
Mrs. Mary Burnett	Homer E. Losey	Paul J. Stapleton
W. K. Coleman	A. L. Love	Ralph G. Stone
S. J. Daugherty	H. K. Lowman	E. L. Thompson
E. R. Denny	E. J. Lucas	Ray G. Tipton
Adron Doran	Ed Marcum	E. N. Todd
G. I. Drury	Jack McPherron	Walter L. Trivette
Tom Gilliam	Harry L. Moore	S. J. Wagner
M. B. Gilligan	J. Lee Moore	Harry F. Walters
Otto W. Goff	Fred Morgan	Geo. J. Weining
Harold G. Helm	E. C. Mullins	Morris Weintraub
E. R. Hilton	Rodes K. Myers	Rodney Whitlow
Clyde S. Howard	Louis T. Peniston	John Wilborn
Maurice Howard		

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 503. An Act concerning embalmers and funeral directors.

With a Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Any person who, after commencing his apprenticeship as required by KRS 316.030 (3) or his assistantship as required by KRS 316.090 (2), enters the Armed Forces of the United States shall receive credit up to two years on his apprenticeship or assistantship for the time spent in the Armed Forces. Any person who has served in the Armed Forces of the United States before commencing his apprenticeship or assistantship may apply to the three year period required by KRS 316.030 (3) or 316.090 (2) as many as two years spent in the Armed Forces.

2. KRS 316.130 is amended to read as follows:

(1) No license granted under this chapter shall be issued or renewed for a period exceeding one year. Every license and renewal shall expire on July 31, following the date of its issuance unless sooner revoked and canceled.

(2) Every licensed embalmer and every licensed funeral director who desires to continue in practice shall have his license renewed by filing an application for renewal with the Secretary of the Board each year within thirty days next before the expiration of the license upon blanks prescribed by the Board. He shall pay a renewal fee of not less than $2.00 and not more than $5.00 to be fixed by the Board not later than May 1 of each year.

(3) Every licensed emblamer and every licensed funeral director who enters the Armed Forces of the United States shall be excused from the payment of the renewal fee required by subsection (2) of this section for the period during which he is in service. Every licensed embalmer and every licensed funeral director who has continued to pay the renewal fee for the period during which he was in the Armed Forces shall, upon application to the Board and proof of service in the Armed Forces satisfactory to the Board, have those renewal fees remitted to him. Payment shall be from the Funer-

al Directors and Embalmers Revolving fund warrants drawn by the Department of Finance upon the State Treasurer.

(4) No license granted under this chapter shall be transferable.

Said Committee amendment is as follows, viz.:

Amend H. B. 503 on page 2 by adding after line 24 on page 2, the following to become Sec. 3:

Sec. 3. This Act shall apply only to Veterans of World War II.

Said amendment was agreed to.

Mr. Maurice Howard moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and rejected, having failed to receive the necessary majority.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Denny	Clyde S. Howard
Roy W. Arnold	Bernie S. Edlin	Maurice Howard
B. J. Bonn	M. B. Gilligan	Jerry F. Howell
John Y. Brown	R. M. Hall	Ira W. Hulette
L. A. Demumbrun	E. R. Hilton	W. H. Hunt

Kerby Jennings	Jack McPherron	E. A. Spencer
L. H. Jones	Thos. A. Noe	Paul J. Stapleton
G. O. Kirkpatrick	Sylvester Phillips	Geo. W. Steinford
Homer E. Losey	E. F. Prichard	Walter L. Trivette
H. K. Lowman	Kelse H. Risner	S. J. Wagner
E. J. Lucas	Luther Slusher	Morris Weintraub
Ed Marcum	W. R. Smith	Rodney Whitlow
E. H. Martin		

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Those who voted in the negative were—

F. O. Baker	Forest C. Easley	Joe T. Morgan
Harold L. Barnes	Tom Gilliam	E. C. Mullins
F. H. Bassett, Jr.	Otto W. Goff	Rodes K. Myers
W. G. Biggers	J. J. Huff	Louis T. Peniston
Jack Bingham	B. F. Kincaid	L. W. Preston
J. C. Bradley	Edgar Kitchen	Wade H. Riley
Mrs. Mary Burnett	A. L. Love	J. W. Simmons
Chas. W. Burnley	W. E. McClure	Ralph G. Stone
W. K. Coleman	Harry L. Moore	E. L. Thompson
S. J. Daugherty	J. Lee Moore	Ray G. Tipton
Adron Doran	Fred Morgan	E. N. Todd
G. I. Drury		

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Mr. Love moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was disagreed to.

The yeas and nays being required thereon by Messrs. Love and Howard, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	B. F. Kincaid	Rodes K. Myers
Jack Bingham	A. L. Love	Louis T. Peniston
J. C. Bradley	W. E. McClure	Wade H. Riley
Chas. W. Burnley	Harry L. Moore	E. L. Thompson
G. I. Drury	Joe T. Morgan	Ray G. Tipton
Tom Gilliam	E. C. Mullins	E. N. Todd
Otto W. Goff		

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Those who voted in the negative were—

C. W. Anderson	Ira W. Hulette	L. W. Preston
Harold L. Barnes	W. H. Hunt	E. F. Prichard
F. H. Bassett, Jr.	Kerby Jennings	Kelse H. Risner
B. J. Bonn	Paul Jonas	Amos Runyan
John Y. Brown	L. H. Jones	Luther Slusher
S. J. Daugherty	G. O. Kirkpatrick	W. R. Smith
L. A. Demumbrun	H. K. Lowman	E. A. Spencer
Adron Doran	E. J. Lucas	Paul J. Stapleton
Forest C. Easley	Ed Marcum	Geo. W. Steinford
Bernie S. Edlin	E. H. Martin	Walter L. Trivette
R. M. Hall	Jack McPherron	S. J. Wagner
E. R. Hilton	J. C. Newcomb	Morris Weintraub
Clyde S. Howard	Thos. A. Noe	Rodney Whitlow
Maurice Howard	Sylvester Phillips	—41

Mr. J. Lee Moore moved that the vote by which said bill was rejected, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. J. Lee Moore moved that said bill be laid on the Clerk's Desk.

At the instance of the Committee on Rules, the House took up for consideration from the Clerk's Desk, a bill entitled:

H. B. 440. An Act relating to mines and mining.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see Journal of March 8)

Said amendment as proposed and adopted by the Senate, is as follows, viz.:

Amend H. B. 440 by striking from the printed bill all of Section 10 thereof.

Said amendment was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Clyde S. Howard	Thos. A. Noe
Roy W. Arnold	Jerry F. Howell	Louis T. Peniston
F. O. Baker	Ira W. Hulette	Sylvester Phillips
Harold L. Barnes	W. H. Hunt	L. W. Preston
F. H. Bassett, Jr.	Kerby Jennings	E. F. Prichard
W. G. Biggers	Paul Jonas	Kelse H. Risner
Jack Bingham	L. H. Jones	Amos Runyan
B. J. Bonn	B. F. Kincaid	J. W. Simmons
J. C. Bradley	G. O. Kirkpatrick	Luther Slusher
John Y. Brown	Edgar Kitchen	W. R. Smith
W. K. Coleman	Homer E. Losey	Paul J. Stapleton
S. J. Daugherty	H. K. Lowman	Ralph G. Stone
L. A. Demumbrun	E. J. Lucas	E. L. Thompson
G. I. Drury,	E. H. Martin	Ray G. Tipton
Bernie S. Edlin	W. E. McClure	E. N. Todd
Eck Embry	Jack McPherron	Walter L. Trivette
Tom Gilliam	Harry L. Moore	Harry F. Walters
M. B. Gilligan	J. Lee Moore	Geo. J. Weining
Otto W. Goff	Fred Morgan	Morris Weintraub
R. M. Hall	E. C. Mullins	Rodney Whitlow
Harold G. Helm	Rodes K. Myers	John Wilborn
E. R. Hilton	J. C. Newcomb	—65

Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

A message was received from the Governor announcing that he returns to this House where it originated without his signature and approval, a bill entitled:

H. B. 397. An Act relating to the classified service under the merit system in cities of the first class, etc.

Together with his objections and veto to said bill and his reasons therefor.

(For bill see Journal of March 1)

The objections and veto of the Governor are as follows:

TO THE GENERAL ASSEMBLY:

I cannot approve House Bill No. 397, which disrupts the classified service in the City of Louisville. The act of 1942 placed in the classified service under the Merit System certain offices, positions and places of employment in several departments of the city government, and provided authority and methods for the extension of classified service to other offices, positions and employments. Administration of the act was placed in a Civil Service Board composed of three persons "in sympathy with the merit principle of public personnel administration."

It is a sound principle that any governmental policy should be administered by those who believe in that policy. You should never trust a child with a nurse that does not love it. This bill takes out that provision of the law and substitutes a bi-partisan board that need not be in sympathy with the merit principle. Indeed, it will not only encourage partisanship in the selection of personnel, but it will inevitably promote factionalism in both parties. Factionalism is destructive of party responsibility and damaging to good government.

The extension of the claessified service as provided by Section 9 of the original act is forbidden by the present act which says that "no office, position or place of employment which is placed in the classified service after February 15, 1946, by action of the legislative body of the city shall be in the classified service."

The act does not correct or improve any defects or insufficiencies that may have been found in the present system,

but removes the very provisions that have been proven of real value to good service.

The administration of city government becomes more difficult and complicated as the services to the public are enlarged and extended. The merit principle must be observed in good faith, if good service is to be realized.

This session of the General Assembly has given careful study to the improvement of the Civil Service in other cities of the State, and it is unfortunate that a backward step should be taken in our largest city. The present bill was put through in a relatively short time without hearings or any extended debate. I am sending it back promptly so that you may have as much time as possible for a further consideration of the subject matter involved.

It is clear that the present bill emasculates the present system of classified service, and is a first step toward total destruction of the merit system. Such an important step should be carefully considered and the wishes of the people concerned should be consulted. The alternative to the Merit System of city government is the kind of city government that has afflicted so many of our great cities, and which have become a menace to self-government in large centers of population.

For these reasons, I have vetoed House Bill No. 397, and return it herewith to the House where it originated.

Simeon Willis
Governor

Frankfort, Kentucky
March 14, 1946

Ordered that said bill and Veto Message of the Governor be referred

To the Committee on Rules.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 392. An Act relating to Assistant Attorney Generals for Alcoholic Control.

Mr. Prichard moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 405. An Act relating to teachers' retirement.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsections (10) and (11) of Section 161.220 of the Kentucky Revised Statutes are amended to read as follows:

161.220 (10). *"Annual Salary,"* shall mean the average annual salary which the member has received for his services as a teacher in the public schools of Kentucky for five (5) years or for as many years if less than five (5), prior to July 1, 1941, except that any salary which exceeds $2000.00 shall be considered $2000.00; and during the five (5) years or for as many years if less than five (5) years, immediately preceding retirement by reason of superannuation or disability, except that any salary which exceeds $2000.00 in any year prior to the effective date of this Act shall be considered $2000.00 and any salary for any year subsequent to the effective date of this Act which shall exceed $2400.00 shall be considered $2400.00.

161.220 (11). *"Annual Compensation,"* means the contractual salary and additions thereto received by a member as compensation for his services as a teacher in the public schools of Kentucky during a given fiscal year before any deductions, except that any such compensation that exceeds $2400.00 shall be considered as $2400.00 only.

Sec. 2. A new section of the Teachers' Retirement Law is created to read and be numbered as follows:

161.515 (1) For the purposes of this section, "Out-of-State service" shall mean service in any other state in a comparable position, which would be covered if in Kentucky.

(2) (a) After a teacher has been a member of the retirement system for at least one full scholastic year, he may present for credit service rendered out-of-state subsequent to July 1, 1940, not to exceed eight such years actually taught as a certified or licensed teacher, provided such member pays to the retirement system the amount he would have paid had he been teaching in Kentucky and in addition thereto 3% compound interest on each annual contribution from the last day of the scholastic year in which the service was rendered to date of payment to the retirement system. For each year for which the retirement system shall accept the contribution and interest, one year of subsequent service credit shall be given, excepting that for the year 1940-41 prior service credit shall be given. Not more than eight years may be contributed for under this section.

(b) For each such year so paid for and for any additional years for which contributions have been paid currently, not to exceed eight years in all, any member of the retirement system may offer bona fide out-of-state service for credit as prior service but not a greater number of years than the number for which contributions are paid, and in no case more than eight years of service prior to July 1, 1940.

(c) All such service, both subsequent and prior, shall be certified to by the member and verified according to KRS 161.480 and 161.490. Appropriate forms for this purpose shall be furnished by the Board of Trustees and used by the member making application. After additional out-of-state service credit has been granted under this section, the member receiving such service credit shall return his retirement certificate to the Board of Trustees and the secretary of the retirement system shall enter thereon, with the approval of the Board of Trustees, the additional credit allowed any such member.

(3) Nothing in this section shall be construed to permit a member of the Kentucky Retirement System to leave the profession in Kentucky to teach in another state and during

such service or upon return to teaching in the schools of Kentucky apply for the validation of such subsequent service under the provisions of this section.

(4) It is further provided that certificated teachers employed in, entering upon or transferring to service in the non-educational State Institutions of Kentucky under the direction of the Department of Welfare as teachers or as supervisors of instruction may upon request to the Board of Trustees come into or continue in membership and pay their retirement contributions under such rules and regulations as said Board of Trustees may adopt not inconsistent with the Retirement Act for the payment of said contributions.

Sec. 3. Section 161.540 of the Kentucky Revised Statutes is amended to read as follows:

161.540. *Member's contribution.* Each member whose age on the first day of any current scholastic year is less than thirty (30) years shall contribute to the retirement system 2% of his annual compensation. Each member whose age on the first day of any current scholastic year is thirty (30) years and less than forty (40) years shall contribute to the retirement system 3% of his annual compensation. Each member whose age is forty (40) years or more on the first day of any current scholastic year shall contribute to the retirement system 4% of his annual compensation. The contribution of a member shall not exceed his percentage, determined by his age, on his current annual compensation and no contribution shall be made on the excess of annual compensation over $2400.00.

Sec. 4. Section 161.620 Kentucky Revised Statutes is amended to read as follows:

161.620. *Retirement Allowances.* (1) The retirement allowance of a member retiring for superannuation whose age of retirement is seventy (70) years or over shall be one per cent (1%) of his average annual prior service salary for each year of prior service and one and one-half per cent (1½%) of his average annual subsequent service salary for each year of subsequent service. The retirement allowance of a member retiring for superannuation whose age at time of retirement is sixty (60) years and less than seventy (70) years

shall be reduced to that amount which the value of the retirement allowance computed as provided in this section at age seventy (70) will purchase as of the actual age of retirement of the member, according to the actuarial table in use by the System. The retirement allowance in final amount at age of retirement shall be determined by an actuarial factor equivalent to one at age seventy (70). Said factors shall be determined by the actuary of the retirement system and approved by the Board of Trustees.

(2) For any member retiring on or after July 1, 1946, no retirement allowance shall be greater than one-half of the member's average annual salary, nor greater than $1200.00.

(3) Effective July 1, 1946, and including living retired members and members who retire subsequently, no retirement allowance shall be less than $100.00 for twenty (20) years or less of service credit plus $10.00 per service credit year in excess of twenty (20) years, but such total minimum allowance shall not be more than $300.00 per year. Any retirement allowance which has been or will be computed to be less than this minimum shall be increased to said minimum.

Sec. 5. Section 161.660 of the Kentucky Revised Statutes is amended to read as follows:

Sec. 161.660. *Disability Allowance.* Any member, after he has attained the age of fifty (50), but before he has attained the age of sixty (60) years who has completed twenty (20) years of accredited service in the public schools of the State of Kentucky, five (5) of which immediately preceded retirement, may retire for disability and shall be granted a disability allowance to be paid from the funds of the retirement system. The disability allowance of each member retiring for disability shall be calculated in the same manner as the allowance for a superannuated member, excepting and providing that the factor used in final determination of the annuity shall be the factor corresponding to age 60 and not the factor corresponding to age at retirement. The same minimum and maximum provisions as apply for members retiring for superannuation shall apply in all cases of retirement for disability.

Sec. 6. In addition to the budgetary appropriation for the Teachers' Retirement System of the State of Kentucky, there is hereby appropriated to the Teachers' Retirement Fund, out of any unappropriated funds in State Treasury, not to exceed $68,000.00 for the year 1946-47 and not to exceed $68,000.00 for the year 1947-48, or as much thereof as may be necessary, for the purpose of carrying out the provisions of these foregoing amendments by the Teachers' Retirement System.

Sec. 7. This Act shall take effect on July 1, 1946.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Harold G. Helm	Fred Morgan
Roy W. Arnold	E. R. Hilton	E. C. Mullins
F. O. Baker	Clyde S. Howard	Rodes K. Myers
Harold L. Barnes	Maurice Howard	J. C. Newcomb
F. H. Bassett, Jr.	Jerry F. Howell	Thos. A. Noe
W. G. Biggers	J. J. Huff	Louis T. Peniston
Jack Bingham	Ira W. Hulette	L. W. Preston
B. J. Bonn	W. H. Hunt	Kelse H. Risner
J. C. Bradley	Kerby Jennings	Amos Runyan
John Y. Brown	Paul Jonas	J. W. Simmons
W. K. Coleman	L. H. Jones	Luther Slusher
S. J. Daugherty	B. F. Kincaid	W. R. Smith
L. A. Demumbrun	G. O. Kirkpatrick	E. L. Thompson
E. R. Denny	Edgar Kitchen	Ray G. Tipton
G. I. Drury	Homer E. Losey	E. N. Todd
Forest C. Easley	H. K. Lowman	Walter L. Trivette
Eck Embry	E. J. Lucas	S. J. Wagner
Tom Gilliam	W. E. McClure	Harry F. Walters
M. B. Gilligan	Jack McPherron	Geo. J. Weining
Otto W. Goff	Harry L. Moore	Morris Weintraub
R. M. Hall	J. Lee Moore	John Wilborn

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Resolved that the title thereof he as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 265. An Act relating to county road employes, etc.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 179.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal court shall employ necessary employes in the different road precincts of the county, and may summarily discharge them at pleasure. The employes shall perform service upon the roads of the county according to the directions prescribed by the fiscal court. In the event the fiscal court fails to act in any such respect, the county judge may take the action. The employes may receive such compensation per day as may be allowed by the fiscal court, within the limits hereinafter prescribed in this section.

(2) Every able-bodied man employed to do manual or day labor on the county roads shall receive the prevailing wages of the vicinity in which the work is to be done, within the limits prescribed in subsections (3) and (4) of this section. A day's work shall consist of not less than eight hours of actual labor.

(3) In counties having a population of 70,000 or less, as shown by the most recent federal census, the persons employed under this section shall be paid not less than one dollar nor more than three dollars per day, according to services rendered, except in the case of necessary skilled labor, foreman and

assistant engineers, who shall receive not more five dollars per day.

(4) In counties having a population of more than 70,000, as shown by the most recent federal census, persons employed to do manual labor on the county roads may be paid a daily wage of not to exceed six dollars per day. Persons employed to perform skilled labor in the repair, maintenance or operation of road machinery or equipment, or in the construction of roads, bridges or culverts, or employed as foreman to supervise the work of other persons, may be paid a daily wage not to exceed eight dollars per day. In such counties a person may be employed to generally supervise the work of all other employes in the county road department and may be paid a salary not to exceed three thousand dollars per year.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Jerry F. Howell	J. C. Newcomb
W. G. Biggers	Ira W. Hulette	Louis T. Peniston
Jack Bingham	W. H. Hunt	Sylvester Phillips
B. J. Bonn	Paul Jonas	E. F. Prichard
J. C. Bradley	B. F. Kincaid	Kelse H. Risner
John Y. Brown	G. O. Kirkpatrick	Amos Runyan
S. J. Daugherty	H. K. Lowman	J. W. Simmons
G. I. Drury	E. J. Lucas	Luther Slusher
Tom Gilliam	E. H. Martin	W. R. Smith
M. B. Gilligan	W. E. McClure	Paul J. Stapleton
Otto W. Goff	Jack McPherron	Geo. W. Steinford
R. M. Hall	J. Lee Moore	E. L. Thompson
E. R. Hilton	Fred Morgan	Ray G. Tipton
Clyde S. Howard	E. C. Mullins	E. N. Todd
Maurice Howard	Rodes K. Myers	Walter L. Trivette

S. J. Wagner Geo. J. Weining John Wilborn
Harry F. Walters Morris Weintraub —50

Those who voted in the negative were—

L. A. Demumbrun Eck Embry J. J. Huff
—3

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 427. An Act relating to sick leave for school teachers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. No teacher's salary schedule of any school district submitted for approval of the State Board of Education as required by KRS 161.150, shall be approved by the State Board of Education unless the schedule provides for sick leave, with full pay, for all teachers, of not less than five days during that school year; such days of sick leave not to be charged against the teacher or used as a basis for reducing the number of days to be taught by the teacher during the school term for that year. Any sick leave not utilized in the school year for which it is allowed shall not accumulate for utilization in any subsequent school year. The board of education of the school district shall require an affidavit of the teacher or the certificate of a physician as to illness for which sick leave is to be allowed.

Sec. 2. The term "teacher" for the purpose of section one of this act shall mean any person for whom certification

is required as a basis of employment by boards of education in the public schools of the State with the exception of superintendents, supervisors, and attendance officers.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	Clyde S. Howard	Louis T. Peniston
Harold L. Barnes	Maurice Howard	Sylvester Phillips
F. H. Bassett, Jr.	Jerry F. Howell	L. W. Preston
W. G. Biggers	J. J. Huff	Kelse H. Risner
Jack Bingham	Ira W. Hulette	Amos Runyan
B. J. Bonn	W. H. Hunt	J. W. Simmons
J. C. Bradley	Paul Jonas	Luther Slusher
John Y. Brown	L. H. Jones	W. R. Smith
W. K. Coleman	B. F. Kincaid	Paul J. Stapleton
S. J. Daugherty	Edgar Kitchen	L. S. Stephens
L. A. Demumbrun	Homer E. Losey	Ralph G. Stone
E. R. Denny	H. K. Lowman	E. L. Thompson
G. I. Drury	E. H. Martin	Ray G. Tipton
Eck Embry	W. E. McClure	E. N. Todd
Tom Gilliam	Jack McPherron	Walter L. Trivette
M. B. Gilligan	Fred Morgan	S. J. Wagner
Otto W. Goff	E. C. Mullins	Harry F. Walters
R. M. Hall	J. C. Newcomb	Morris Weintraub
Harold G. Helm	Thos. A. Noe	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 344. An Act relating to the condemnation of real property by counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whenever the Fiscal Court of any county deems it to be in the best interest of the county to acquire the fee simple title to any real property within such county for any administrative or governmental purpose in addition to those now provided for by law and the Fiscal Court is unable to contract with the owner of the land, required for such purpose, for its purchase or to acquire the same by gift, the land may be condemned under the procedure set forth in KRS 416.110, and said Fiscal Court may appropriate funds to pay for said real property.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson	W. K. Coleman	Harold G. Helm
Harold L. Barnes	L. A. Demumbrun	E. R. Hilton
F. H. Bassett, Jr.	G. I. Drury	Clyde S. Howard
W. G. Biggers	E. R. Denny	Jerry F. Howell
Jack Bingham	Eck Embry	J. J. Huff
B. J. Bonn	Tom Gilliam	Ira W. Hulette
J. C. Bradley	M. B. Gilligan	W. H. Hunt
John Y. Brown	Otto W. Goff	B. F. Kincaid

Homer E. Losey	L. W. Preston	E. L. Thompson
H. K. Lowman	Kelse H. Risner	Ray G. Tipton
E. H. Martin	Amos Runyan	E. N. Todd
Jack McPherron	Luther Slusher	Walter L. Trivette
E. C. Mullins	W. R. Smith	Harry F. Walters
Rodes K. Myers	Paul J. Stapleton	Morris Weintraub
Louis T. Peniston	Geo. W. Steinford	John Wilborn
Sylvester Phillips	L. S. Stephens	—47

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 58. An Act making it an offense to board or lodge children under the age of sixteen, etc.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(Sec. 1) No person or persons shall board or lodge children under the age of sixteen years, or in any manner conduct a boarding home or boarding house for children under the age of sixteen years, unless authorized and empowered so, to do in writing, by the Health Officer of the county in which such boarding home or boarding house is conducted. Before authorizing or empowering any person or persons to board or lodge children under the age of sixteen years, or in any manner to conduct a boarding house or boarding home for such children, the Health Officer to whom an application is made for such authority or power shall make or cause to be

made, an investigation to determine whether such person or persons have made suitable, sanitary and satisfactory arrangements for the health, welfare and education of such children. When such authority and power have been granted by a Health Officer the same may be revoked at any time, in the discretion of said Health Officer, when he shall determine that arrangements for the health, welfare or education of the children boarded or lodged in such boarding home or boarding house are unsuitable or unsatisfactory, and in no event shall such authority and power be effective for a longer period than one year following the granting of same. Whenever the Health Officer of any county shall be notified by the Juvenile Court of such county, or notified by the probation officer thereof, that the person or persons operating a boarding home or boarding house for children under the age of sixteen years are not making suitable and satisfactory arrangements for the health, welfare or education of the children being boarded or lodged therein, he shall make or caused to be made an investigation to determine whether or not the power or authority of such person or persons to operate such home shall be revoked.

(Sec. 2) Every person who boards or lodges children under the age of sixteen years or conducts a boarding house or boarding home for children, shall keep a book, securely bound, in which shall be entered the name, sex and race of every child boarded or lodged in the house or home conducted by him or her, together with the names and postoffice addresses of the parents of such child, the date such child was placed in such house or home, the date of such child's birth and the amount charged each week or month as compensation for boarding or lodging such child. Such facts shall be entered in said book at the time said child is placed in said house or home and shall be signed by the person or persons placing said child therein before leaving the premises upon which said house or home is conducted. Such book shall always be available for inspection by the Health Officer of the county in which said house or home is situated, or the Judge of the Juvenile Court of said county, or any probation officer of said Court. Failure to comply with the provisions

of this section shall constitute an offense, punishable as hereinafter provided.

(Sec. 3) Whenever the County Judge of any county, in his discretion, deems it necessary that a non-resident of Kentucky shall satisfy him that a non-resident child placed by such non-resident in a boarding house or boarding home in this commonwealth, shall never become a charge upon the commonwealth or any subdivision thereof, he may require that the proper public authorities of the state or county in which non-resident child resides, furnish security, to his satisfaction, that they will assume the care and custody of such child in the event such child becomes a charge upon this commonwealth or any subdivision thereof. When such security is demanded by any County Judge, it shall constitute an offense to accept any child for boarding or lodging without furnishing such security: Whenever any County Judge shall enter an order that such security shall be furnished for all non-resident children boarded or lodged in his county, no child shall thereafter be accepted for boarding or lodging in said county until such security is furnished.

(Sec. 4) Nothing in this Act shall be construed to affect religious or fraternal organizations conducting orphanages, or orphanages under the direction of a regularly established Board of Directors, or schools, colleges or other institutions of learning, or persons caring and providing for children related to them by blood or marriage, or persons or organizations conducting day nurseries, without charge, for children, during the hours between six o'clock A. M. and nine o'clock P. M.

(Sec. 5) Any person violating any of the provisions of this Act shall be guilty of an offense and upon conviction thereof, shall be fined not more than Five Hundred Dollars or imprisoned for not more than twelve months, or be both fined and imprisoned, in the discretion of the court.

Said substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person or persons shall board or lodge children under the age of sixteen years, or in any manner conduct a boarding home or boarding house for children under the age of sixteen years, unless authorized and empowered so to do, in writing, by the Health Officer of the county in which such boarding home or boarding house is conducted. Before authorizing or empowering any person or persons to board or lodge children under the age of sixteen years, or in any manner to conduct a boarding house or boarding home for such children, the Health Officer to whom an application is made for such authority or power shall make or cause to be made, an investigation to determine whether such person or persons have made suitable, sanitary and satisfactory arrangements for the health of such children. When such authority and power have been granted by a Health Officer the same may be revoked at any time, in the discretion of said Health Officer, when he shall determine that arrangements for the health of the children boarded or lodged in such boarding home or boarding house are unsuitable and unsatisfactory, and in no event shall such authority and power be effective for a longer period than one year following the granting of same. Whenever the Health Officer of any county shall be notified by the Juvenile Court of such county, or notified by a probation officer thereof, that the person or persons operating a boarding home or boarding house for children under the age of sixteen years are not making suitable and satisfactory arrangements for the health of the children being boarded or lodged therein, he shall make or cause to be made an investigation to determine whether or not the power and authority of such person or persons to operate such home shall be revoked. Any person who boards or lodges a child under the age of sixteen years without having the permit provided for herein shall be guilty of an offense and punished as hereinafter provided.

§ 2. Every person who boards or lodges children under the age of sixteen years or conducts a boarding house or boarding home for such children, shall keep a book, securely bound, in which shall be entered the name, sex and race of every child boarded or lodged in the house or home con-

ducted by him or her, together with the names and postoffice addresses of the parents of such child, the date such child was placed in such house or home, the date of such child's birth and the amount charged each week or month as compensation for boarding or lodging such child. Such facts shall be entered in said book at the time said child is placed in said house or home and shall be signed by the person or persons placing said child therein before leaving the premises upon which said house or home is conducted. Such book shall always be available for inspection by the Health Officer of the county in which said house or home is situated, or the Judge of the Juvenile Court of said county, or any probation officer of said Court. Failure to comply with the provisions of this section shall constitute an offense, punishable as hereinafter provided.

§ 3. Whenever the County Judge of any county, in his discretion, deems it necessary that a person accepting a non-resident child for boarding or lodging in this commonwealth, shall satisfy him that such non-resident child shall never become a charge upon the commonwealth or any subdivision thereof, he may require that the proper public authorities of the state or county in which non-resident child resides, furnish security, to his satisfaction, that they will assume the care and custody of such child in the event such child becomes a charge upon this commonwealth or any subdivision thereof. Whenever any County Judge shall enter an order that such security shall be furnished for all non-resident children boarded or lodged in his county, no child shall thereafter be accepted for boarding or lodging in said county until such security is furnished. Any person who accepts a non-resident child under the age of sixteen years for boarding or lodging, in any county, without the furnishing of the security provided for herein, after the county judge of the county has provided by order for the furnishing of such security, shall be guilty of an offense and punished as hereafter provided.

§ 4. The provisions of this Act shall not affect or apply to boarding homes in which children under the care, custody or control of or receiving aid from the Department

of Welfare are being boarded, and which have been approved by the Department of Welfare as meeting the standards of that department for placement, nor shall the provisions of this Act affect persons caring for and providing for children related to them by blood or marriage.

§ 5. Any person violating any of the provisions of this Act shall be guilty of an offense, and upon conviction thereof, shall be fined not more than five hundred dollars or imprisoned for not more than twelve months, or be both fined and imprisoned, in the discretion of the court.

§ 6. This Act shall apply only to counties containing a city of the second class.

Said substitute was then agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Eck Embry	Edgar Kitchen
F. O. Baker	Tom Gilliam	Homer E. Losey
F. H. Bassett, Jr.	Otto W. Goff	H. K. Lowman
Ott Begley	R. M. Hall	E. H. Martin
W. G. Biggers	Harold G. Helm	Jack McPherron
Jack Bingham	E. R. Hilton	Fred Morgan
B. J. Bonn	Clyde S. Howard	E. C. Mullins
J. C. Bradley	Maurice Howard	J. C. Newcomb
John Y. Brown	Jerry F. Howell	Thos. A. Noe
W. K. Coleman	Ira W. Hulette	Louis T. Peniston
S. J. Daugherty	W. H. Hunt	Sylvester Phillips
L. A. Demumbrun	Paul Jonas	E. F. Prichard
G. I. Drury	B. F. Kincaid	Kelse H. Risner

Amos Runyan	L. S. Stephens	S. J. Wagner
J. W. Simmons	Ralph G. Stone	Harry F. Walters
Luther Slusher	E. L. Thompson	Geo. J. Weining
W. R. Smith	Ray G. Tipton	Morris Weintraub
Paul J. Stapleton	E. N. Todd	John Wilborn
Geo. W. Steinford	Walter L. Trivette	—56

Those who voted in the negative were—

Harold L. Barnes	E. R. Denny	L. H. Jones

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Resolved that the title thereof be as amended.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Committee on Rules to which the same had been referred, reported bills and resolutions entitled:

H. B. 527. An Act to perfect the Kentucky Revised Statutes and Codes of Practice.

H. B. 528. An Act appropriating money to supply a deficiency in the Department of Military Affairs.

H. B. 529. An Act providing for a refund of tax paid on motor fuel used in the operation of aircraft.

H. Res. 115. Resolution making an appropriation for the purpose of payment of a claim to Ruby Watts.

S. B. 168. An Act relating to notaries public.

S. B. 204. An Act to provide for the planning, designation, establishment, etc., of limited-access facilities.

S. B. 224. An Act to provide for remodeling penitentiary in Frankfort.

S. B. 227. An Act relating to cities of the fifth class.

S. B. 250. An Act providing for state tax paid on liquid fuel used in aircraft.

S. B. 253. An Act creating and relating to the Agricultural and Industrial Development Commission.

S. Res. 43. Resolution repudiating, retracting and withdrawing H. Res. 79 of Regular Session 1944.

S. Res. 66. Resolution providing for payment of ministers of the churches of Frankfort.

S. B. 239. An Act relating to elections, with special reference to registration and voting by absentee voters.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Runyon of the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz.:

H. Res. 33. Resolution authorizing A. E. Funk to sue the Commonwealth.

H. Res. 35. Resolution authorizing Morgan Wireman to sue the Commonwealth.

H. Res. 36. Resolution authorizing Curtis Pigman to sue the Commonwealth.

H. Res. 44. Resolution authorizing Samuel Peters to sue the Commonwealth.

H. Res. 52. Resolution authorizing Gerald D. Troutman to sue the Commonwealth.

H. Res. 55. Resolution authorizing Charles Near to sue the Commonwealth.

H. Res. 57. Resolution authorizing Sarah Near to sue the Commonwealth.

H. Res. 66. Resolution authorizing Johnny Reenner to sue the Commonwealth.

H. Res. 70. Resolution for the benefit of Herman Birkhead.

H. Res. 80. Resolution authorizing Hays Foster to sue the Commonwealth.

H. Res. 84. Resolution authorizing Morrison B. Smith to sue the Commonwealth.

H. Res. 91. Resolution authorizing Humphrey Collins to sue the Commonwealth.

H. Res. 94. Resolution authorizing John L. Harris to sue the Commonwealth.

H. Res. 11. Resolution authorizing Mell T. Prather to sue the Commonwealth.

H. Res. 99 Resolution authorizing H. L. Wilkerson to sue the Commonwealth.

H. Res. 100. Resolution authorizing R. A. Hanner to sue the Commonwealth.

H. Res. 101. Resolution authorizing John Robert Gray to sue the Commonwealth.

H. Res. 106. Resolution authorizing Robert Ballinger to sue the Commonwealth.

H. B. 60. An Act relating to motor transportation, paying renewal fees, insurance fees, etc.

H. B. 194. An Act relating to banks and trust companies, providing for additional powers and the expansion of consumer credit.

H. B. 86. An Act relating to newsboys.

H. B. 99. An Act relating to expenditures of candidates.

H. B. 151. An Act relating to fees allowed county clerks.

H. B. 201. An Act relating to Workmen's Compensation.

H. B. 242. An Act concerning armories.

H. B. 266. An Act relating to stenographers for county attorneys in counties containing cities of first and second class.

H. B. 312. An Act relating to fish and game.

H. B. 322. An Act relating to condemnation of property in cities of the second class.

H. B. 375. An Act to control and prevent the spread of infectious and communicable diseases in fowls.

H. B. 386. An Act authorizing cities of the fourth class to acquire land by purchase for purpose of straightening or widening any creek running through the corporate limits.

H. B. 389. An Act relating to terms of court in the 11th Judicial District.

H. B. 381. An Act relating to regular term of circuit court in counties of McCracken and Marshall.

S. Res. 30. Resolution appropriating the sum of $2000 for restoring Daniel Boone Monument.

S. Res. 33. Resolution authorizing payment of pauper idiot claim to E. T. Deaton.

S. Res. 35. Resolution appropriating $1792.69 to Department of Military Affairs.

S. Res. 37. Resolution authorizing the payment of claims against the Commonwealth.

S. Res. 29. Resolution for the benefit of John W. Faulkner.

S. B. 178. An Act authorizing the establishment of Memorials in honor of World War Veterans.

S. B. 109. An Act relating to chiropractors.

S. B. 115. An Act appropriating money out of General Fund for Public Assistance, Dependent Children and Needy Blind.

Thereupon all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills and resolutions which originated in the Senate, be delivered to the Enrolling Clerk of the Senate.

Ordered that the Enrolling Clerk of this House deliver said bills and resolutions which originated in this House to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Howell moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, MARCH 15, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend E. C. Duckett of the Church of the Nazarene, Frankfort.

The roll was called and the following members answered to their names, viz:

C. W. Anderson	Eck Embry	E. J. Lucas
Roy W. Arnold	R. R. Ernst	F. G. Marquette
Henry Arrowood	A. H. Eversole	E. H. Martin
F. O. Baker	Tom Gilliam	W. E. McClure
Harold L. Barnes	M. B. Gilligan	Jack McPherron
F. H. Bassett, Jr.	Harold G. Helm	Harry L. Moore
Ott Begley	E. R. Hilton	J. Lee Moore
W. G. Biggers	Clyde S. Howard	E. C. Mullins
Jack Bingham	Maurice Howard	Rodes K. Myers
B. J. Bonn	Jerry F. Howell	J. C. Newcomb
J. C. Bradley	J. J. Huff	Joe E. Nunn
John Y. Brown	Ira W. Hulette	Louis T. Peniston
Chas. W. Burnley	W. H. Hunt	Sylvester Phillips
W. K. Coleman	Kerby Jennings	L. W. Preston
S. J. Daugherty	Paul Jonas	E. F. Prichard
L. A. Demumbrun	L. H. Jones	Kelse H. Risner
E. R. Denny	B. F. Kincaid	Amos Runyan
Adron Doran	G. O. Kirkpatrick	Luther Slusher
G. I. Drury	Edgar Kitchen	Forrest Smith
Forest C. Easley	A. L. Love	E. A. Spencer
Bernie S. Edlin	H. K. Lowman	Paul J. Stapleton

Geo. W. Steinford	E. N. Todd	Morris Weintraub
Ralph G. Stone	S. J. Wagner	Lawrence Wells
E. L. Thompson	Harry F. Walters	John Wilborn
Ray G. Tipton		

Mr. Howell moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Clyde Howard moved that Miss Ruth Arrowood daughter of the Honorable Henry Arrowood, be appointed an Honorary Page.

Said motion was agreed to.

Mr. Mullins moved that the privilege of the floor be extended to Mr. Dan Wilson.

Said motion was agreed to.

Mr. Prichard arose and spoke to a point of personal privilege.

Mr. J. Lee Moore moved that the House arise and give its vote of confidence to Mr. Prichard.

Said motion was agreed to.

Thereupon the House arose and extended its vote of confidence to Mr. Prichard.

M. Maurice Howard moved that a bill entitled:

H. B. 503. An Act relating to embalmers and funeral directors.

Be made a Special Order of the Day, for Monday, March 18, at nine o'clock P. M.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills and resolutions of the following titles, viz.:

H. B. 527. An Act to perfect the Kentucky Revised Statutes and Codes of Practice.

H. B. 528. An Act appropriating money to supply a deficiency in the Department of Military Affairs.

H. B. 529. An Act providing for a refund of tax paid on motor fuel used in the operation of aircraft.

H. Res. 115. Resolution making an appropriation for the purpose of payment of a claim to Ruby Watts.

S. B. 168. An Act relating to notaries public.

S. B. 204. An Act to provide for the planning, designation, establishment, etc., of limited-access facilities.

S. B. 224. An Act to provide for remodeling penitentiary in Frankfort.

S. B. 227. An Act relating to cities of the fifth class.

S. B. 250. An Act providing for state tax paid on liquid fuel used in aircraft.

S. B. 253. An Act creating and relating to the Agricultural and Industrial Development Commission.

S. Res. 43. Resolution repudiating, retracting and withdrawing H. Res. 79 of Regular Session 1944.

S. Res. 66. Resolution providing for payment of ministers of the churches of Frankfort.

S. B. 239. An Act relating to elections, with special reference to registration and voting by absentee voters.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed on the Orders of the Day.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 512. An Act relating to printing.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All printing for which any county, city or other political subdivision of the Commonwealth is Chargeable, or which is paid for with funds appropriated wholly or in part by any such county, city, or political subdivision, must be printed within such county, city or political subdivision, where practicable, and shall be done by letter-press process.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Harold L. Barnes	Jack Bingham	John Y. Brown
F. H. Bassett, Jr.	B. J. Bonn	Chas. W. Burnley
W. G. Biggers	J. C. Bradley	W. K. Coleman

S. J. Daugherty	W. H. Hunt	Kelse H. Risner
E. R. Denny	B. F. Kincaid	Amos Runyan
Adron Doran	G. O. Kirkpatrick	Luther Slusher
G. I. Drury	Edgar Kitchen	Forrest Smith
Forest C. Easley	H. K. Lowman	Paul J. Stapleton
Bernie S. Edlin	F. G. Marquette	Geo. W. Steinford
Eck Embry	E. H. Martin	L. S. Stephens
Tom Gilliam	J. Lee Moore	Ralph G. Stone
M. B. Gilligan	Rodes K. Myers	E. L. Thompson
Harold G. Helm	Louis T. Peniston	Walter L. Trivette
Clyde S. Howard	L. W. Preston	Harry F. Walters
Jerry F. Howell	E. F. Prichard	Morris Weintraub
Ira W. Hulette		

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Those who voted in the negative were—

C. W. Anderson	R. R. Ernst	J. C. Newcomb
Roy W. Arnold	J. J. Huff	Ray G. Tipton
Henry Arrowood	A. L. Love	E. N. Todd
Ott Begley	W. E. McClure	Lawrence Wells
L. A. Demumbrun	Harry L. Moore	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 363. An Act to regulate the making, filing and use of rates for certain kinds of insurance.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1—PURPOSE OF ACT

The purpose of this Act is to promote the public welfare by regulating insurance rates to the end that they shall be rea-

sonable, adequate and not unfairly discriminatory, and to authorize cooperative action among insurers in rate making, and in other matters within the scope of this Act. Nothing in this Act is intended (1) to prohibit or discourage reasonable competition, or (2) prohibit, or encourage except to the extent necessary to accomplish the aforementioned purpose, uniformity in insurance rates, rating plans or practices. This Act shall be liberally interpreted to carry into effect the provisions of this Section.

Sec. 2—SCOPE OF ACT

This Act applies to all kinds, types or forms of insurance written by fire, marine, and fire and marine insurance companies on risks located in this state, including inland marine insurance and all other kinds, types, or forms of motor vehicle insurance, and applies with respect to such kinds, types or forms of insurance to inter-insurers or reciprocal underwriters regulated by Sections 302.080 to 302.140, inclusive, of the Kentucky Revised Statutes, and mutual insurers regulated by Sections 301.010 to 301.140, inclusive, of the Kentucky Revised Statutes, and insurers operating on the Lloyd's Plan, regulated by Sections 302.150 to 302.230, inclusive, of the Kentucky Revised Statutes.

This Act shall not apply

(a) to reinsurance;

(b) to insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine insurance policies;

(c) to insurance of hulls of aircraft, including accessories and equipment, and insurance against liability for damage to property or injury to persons arising out of the ownership, maintenance or use of aircraft.

(d) The provisions of this Act shall not apply to assessment or cooperative companies operating under the provisions of Chapter 299 of the Kentucky Revised Statutes.

(e) The provisions of this Act shall not apply to Domestic Mutual Fire Insurance Companies operating in this State only, which are not subject to Sections 301.010 to 301.140, inclusive, of the Kentucky Revised Statutes.

If any kind of insurance or type of coverage subject to this Act, is also subject to regulation by another rate regulatory act of this State, an insurer in its filing may designate which rate regulatory law shall be applicable to such kind of insurance or type of coverage. Insurers transacting any kind, type or form of insurance excluded from the provisions of this Act, and not otherwise regulated by law as to rates, may elect in writing to the Director to accept and become subject to the provisions thereof as to any such kind, type or form of insurance, and shall thereafter remain subject to this Act in all particulars as to any such kind, type or form of insurance for which such election has been made.

Sec. 3—RATE MAKING

Rates shall be made in accordance with the following provisions:

(a) Manual, minimum, class rates, rating schedules or rating plans, shall be made and adopted, except in the case of specific inland marine rates on risks specially rated.

(b) Rates shall be reasonable, adequate and not unfairly discriminatory.

(c) Consideration shall be given to past and prospective loss experience both within and outside the State, including the conflagration and catastrophe hazards, to all other relevant factors within and outside the State, to the loss trend, to a reasonable underwriting profit, and in the case of participating insurers to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, and in the case of fire insurance rates other than motor vehicles consideration shall be given to the experience of fire insurance business during a period of not less than the most recent five year period for which such experience is available.

(d) Every authorized insurer shall file on call by the Director, but not more frequently than once each year with such agency or agencies as the Director may approve, a statistical report showing its underwriting experience by classes in form approved by the Director. No insurer shall be required to record or report its experience on a classification plan that is inconsistent with the rating plan filed and used

by it. The compilations of such reports by such agency or agencies shall be made available subject to reasonable rules promulgated by the Director to insurers and rating organizations.

(e) Every rating bureau or other insurer engaged in making rates or estimates for fire insurance on property in this State shall inspect every risk specifically rated by it upon schedule, except on inland marine insurance and insurance on motor vehicles, and make a written survey of the risk, which shall be filed as a permanent record in the office of the bureau or insurer. Upon the making of any survey, the bureau shall promptly furnish to the owner upon request a statement of the rate and of the removable defects found, with suggestions for improvements and the removing of the defects. A copy of the survey shall be furnished to the insured or his authorized agent upon request.

Sec. 4—RATE FILINGS: USE OF RATES

Rates may be used when promulgated in accordance with the following provisions:

(a) Every authorized insurer shall file with the Director, except as to classes of inland marine insurance for which class rates or rating plans are not customarily fixed by rating bureaus, every manual, minimum, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing which it proposes to use and such other information concerning rates made or used by it as may reasonably be required. Every such filing shall indicate the character and extent of the coverage contemplated, and shall state the proposed effective date thereof.

A filing shall be open to public inspection after the filing becomes effective. Where specific inland marine rates on risks specially rated are made by a rating organization such rates shall also be filed.

(b) The Director shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this Act.

(c) Subject to the exceptions specified in sub-paragraph (a) of this section, each filing shall be on file for

ten days before it becomes effective, except that this waiting period with respect to a specific filing may be waived or shortened with the approval of the Director or may be extended by the Director for an additional period not to exceed twenty days if he gives written notice within such ten day period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. In the absence of disapproval of a filing by the Director, within the said ten day waiting period or extension thereof such filing shall be deemed to meet the requirements of this act.

(d) If the Director in his discretion shall determine that a filing is impractical or unnecessary as to a kind of insurance, or class of risk, or a part or combination thereof he may enter a written order suspending the requirement of filing as to such kind of insurance, class of risk or part or combination thereof until otherwise ordered by him and such order shall be made known to insurers writing such insurance. The Director may make such examination as he may deem advisable to ascertain whether any rates not required to be filed meet the standards set forth in Section 3 (b) of this Act.

(e) An insurer may satisfy its obligation to make filings by becoming a member of or subscriber to a rating organization or organizations, and by authorizing the Director to receive on the insurer's behalf the filings or clearly defined portions thereof of the rating organization or organizations; provided that nothing contained in this Act shall be construed as requiring an insurer to become a member of or a subscriber to any rating organization.

(f) A rate in excess of that provided by filings may be used on any specific risk with the written consent of the insured if such rate and consent are filed promptly with the Director and the rate is not disapproved by him.

(g) Beginning ninety days (90) after the effective date of this Act, no insurer shall make or issue a contract or policy except in conformity with this Act or in accordance with Sub-section (d) of this Section.

Sec. 5—DISAPPROVAL OF FILINGS: REMOVAL OF UNFAIR DISCRIMINATION.

(a) If within the ten day period or extension thereof, as provided in sub-paragraph (c) of Section 4, the Director finds that a filing does not meet the requirements of this Act, he shall send to the insurer or rating organization which made such filing written notice of disapproval of such filing specifying therein in what respects he finds such filing fails to meet the requirements of this Act, and stating that such filing shall not become effective.

(b) If at any time thereafter the Director finds that an effective filing does not meet the requirements of this Act, he may, after a hearing held on not less than twenty (20) days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing, issue an order specifying in what respect he finds that such filing fails to meet the requirements of this Act, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order. However, if at any time the Director finds that an unfair discrimination exists in the application of a filing to an individual risk he may, after a hearing held on like notice to the insurer affected and to any rating organization which made such filing issue an order that such discrimination be removed. Copies of any such order shall be sent to every such insurer and rating organization.

Sec. 6—RATING ORGANIZATIONS.

(a) A corporation, an unincorporated association, a partnership or an individual, whether located within or outside the State, may make application to the Director for license as a rating organization for such kinds of insurance or class of risk or a part or combination thereof as are specified in its application and shall file therewith (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its by-laws and rules governing the conduct of its business, (2) a list of its members and subscribers, (3) the name and address of a resident of

the State upon whom notices or orders of the Director or process affecting such rating organization may be served and (4) a statement of its qualification as a rating organization. If the Director finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization and that its constitution, articles of agreement or association or certificate of incorporation, and its by-laws and rules governing the conduct of its business conform to the requirements of this Act, he shall issue a license specifying the kinds of insurance, class of risk or part or combination thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the Director within sixty days (60) of the date of its filing with him. Licenses issued pursuant to this Section shall remain in effect until suspended or revoked by the Director. The fee for said license shall be Twenty-Five Dollars ($25.00). Licenses issued pursuant to this Section may be revoked by the Director, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this Subsection.

(b) Subject to rules and regulations, which have been approved by the Director as reasonable, each rating organization shall permit any insurer, not a member, to be a subscriber to its rating services for any kind of insurance, class of risk or a part or combination thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers. Each rating organization shall furnish its rating services without discrimination to its members and subscribers. The refusal of any rating organization to admit an insurer as a subscriber or the reasonableness of any rule or regulation applicable to a subscriber shall, at the request of such insurer, be reviewed by the Director at a hearing held upon at least ten days' written notice to such rating organization and such insurer. If the Director finds that the insurer should be admitted as a subscriber he shall issue an order to that effect. Every rating organization shall notify the Director promptly of every change in the list of its members and subscribers and of every change in its constitution, its ar-

ticles of agreement or association or its by-laws and rules governing the conduct of its business.

(c) No rating organization shall adopt any rule the effect of which would be to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers.

(d) Any rating organization may provide for the examination of policies, daily reports, binders, renewal certificates, endorsements or other evidences of insurance, or the cancellation thereof, upon any or all classes of insurance covered by its license and may make reasonable rules governing their submission. Such rules shall contain a provision that in the event any insurer does not within sixty days (60) furnish satisfactory evidence to the rating organization of the correction of any error or omission previously called to its attention by the rating organization, it shall be the duty of the rating organization to notify the Director thereof. All information so submitted for examination shall be confidential.

(e) Any rating organization may subscribe for or purchase actuarial, technical or other services, and such services shall be available to all members and subscribers without discrimination.

(f) The Director shall, at least once in five years, make or cause to be made an examination of each rating organization licensed in this State. The reasonable costs of such examination shall be paid by the rating organization examined upon presentation to it of a detailed account of such cost. The officers, managers, agents and employees of such rating organization may be examined under oath and shall exhibit all books, records, accounts, documents or agreements governing its method of operation. The Director may waive such examination upon proof that such rating organization has, within a reasonably recent period, been examined by the insurance supervisory official of another State, pursuant to the laws of such State, and upon the filing with the Director of a copy of the report of such examination.

Sec. 7—DEVIATIONS

Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the Director for permission to file a uniform deviation from the rates, schedules, rating methods or rules respecting any kind of insurance or class of risk within a kind of insurance, or combination thereof. Such application shall specify the basis for the modification and a copy thereof shall also be sent simultaneously to such rating organization. The Director shall set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten days' written notice thereof. In the event the Director is advised by the rating organization that it does not desire a hearing he may, upon the consent of the applicant, waive such hearing. In considering the application for permission to file such deviation the Director shall give consideration to the available statistics and the principles for rate making as provided in Section 3 of this Act. The Director shall issue an order permitting the deviation for such insurer to be filed if he finds it to be justified. He shall issue an order denying such application if he finds that the resulting premiums would be inadequate, unreasonable or unfairly discriminatory. Each deviation permitted to be filed shall be effective for a period of one year from the date of such permission unless terminated sooner with the approval of the Director.

Sec. 8—APPEAL BY MINORITY

Any member of or subscriber to a rating organization may appeal to the Director from the decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization and the Director shall, after a hearing held on not less than ten days' written notice to the appellant and to such rating organization, issue an order affirming or reversing the decision of such rating organization.

Sec. 9—ADMINISTRATIVE POWERS

(a) Interchange of Rating Plan Data.

Reasonable rules and plans may be promulgated by the

Director for the interchange of loss experience necessary for the application of rating plans.

(b) Consultation with Other States.

In order to further uniform administration of rating laws, the Director and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult and cooperate with them with respect to rate-making and the application of rating systems.

(c) Rules and Regulations.

The Director may make reasonable rules and regulations necessary to effect the purposes of this Act.

Sec. 10—FALSE OR MISLEADING INFORMATION

No person or organization shall knowingly give false or misleading information to the Director or to any statistical agency designated by the Director, or to any rating organization, or to any insurer which will in any way affect the rates or premiums chargeable under this Act. A violation of this section shall subject the one guilty of such violation to the penalties provided for in Section 11 of this Act.

Sec. 11—PENALTIES

Any person or organization who wilfully violates any provision of this Act shall, upon conviction, be fined not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00); such penalties may be in addition to any other penalty provided by law.

The Director may suspend the license of any rating organization or insurer which fails to comply with an order of the Director within the time limited by such order, or any extension thereof which the Director may grant. The Director shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or, if an appeal has been taken, until such order has been affirmed. The Director may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him, unless he modifies or rescinds such suspension,

or until the order upon which such suspension is based is modified, rescinded or reversed.

No penalty shall be imposed and no license shall be suspended or revoked except upon a written order of the Director, stating his findings, made after a hearing held upon not less than ten days' (10) written notice to such person or organization specifying the alleged violation.

Sec. 12—HEARING PROCEDURE AND JUDICIAL REVIEW

(a) Any insurer or rating organization aggrieved by any order or decision of the Director made without a hearing may, within thirty days (30) after notice of the order to the insurer or organization, make written request to the Director for a hearing thereon. The Director shall hear such party or parties within twenty (20) days after receipt of such request and shall give not less than ten (10) days' written notice of the time and place of the hearing. Within fifteen (15) days after such hearing the Director shall affirm, reverse or modify his previous action, specifying his reasons therefor. Pending such hearing and decision thereon the Director may suspend or postpone the effective date of his previous action.

(b) Nothing contained in this Act shall require the observance at any hearing of formal rules of pleading or evidence.

(c) Any order or decision of the Director shall be subject to review by appeal to the Franklin Circuit Court at the instance of any party in interest, who shall, within twenty (20) days after such order or decision has become final, file a petition for review in said Court. The petition shall state fully the grounds upon which a review is sought, assign all errors relied on and be verified by the petitioner, who shall furnish copies of the petition to the respondents at the time of filing. Summons shall issue, upon the petition, directing the adverse party to file answer within fifteen (15) days after service thereof, and directing the Director to certify to the Court the complete record of the proceedings upon which such order or decision is based.

No new or additional evidence may be introduced in the Circuit Court except as to fraud or misconduct of some person engaged in the administration of this Act and affecting the order or decision appealed from, but the Court shall otherwise hear the cause upon the record as certified by the Director. Such appeal shall not be limited to questions of law. The Court shall determine whether the appeal shall operate as a stay of any such order or decision of the Director. The Court may, in disposing of the issue before it, affirm, modify, or reverse the order or decision of the Director in whole or in part, or remand the action to the Director for further proceedings in accordance with the direction of the Court.

Sec. 13—LAW AMENDED

Sub-section (3) of Section 302.080 of the Kentucky Revised Statutes is amended to read as follows:

"Except as provided in KRS 136.370, 296.320, 302.080 to 302.140 and in this Act no law of this State relating to insurance shall apply to the exchange of indemnity contracts as regulated by KRS 302.080 to 302.140."

Sec. 14—LAWS REPEALED

Sections 298.240, 298.250, 298.260, 298.270, 298.280, 298.290 and 298.300 of the Kentucky Revised Statutes are hereby repealed. All other laws or parts of laws inconsistent with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 15—CONSTITUTIONALITY

If any Section, Sub-Section, Sub-division, Paragraph, Sentence or Clause of this Act is held invalid or unconstitutional such decision shall not affect the remaining portions of this Act.

Sec. 16—EFFECTIVE DATE

This Act shall take effect on the 1st day of October, 1947.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	M. B. Gilligan	E. C. Mullins
Roy W. Arnold	Harold G. Helm	Rodes K. Myers
Henry Arrowood	E. R. Hilton	J. C. Newcomb
F. O. Baker	Clyde S. Howard	Joe E. Nunn
Harold L. Barnes	Jerry F. Howell	Louis T. Peniston
F. H. Bassett, Jr.	J. J. Huff	Sylvester Phillips
Ott Begley	Ira W. Hulette	L. W. Preston
W. G. Biggers	W. H. Hunt	Kelse H. Risner
Jack Bingham	Kerby Jennings	Amos Runyan
B. J. Bonn	Paul Jonas	Forrest Smith
J. C. Bradley	L. H. Jones	E. A. Spencer
John Y. Brown	B. F. Kincaid	Paul J. Stapleton
Chas. W. Burnley	G. O. Kirkpatrick	Geo. W. Steinford
W. K. Coleman	Edgar Kitchen	L. S. Stephens
S. J. Daugherty	A. L. Love	E. L. Thompson
L. A. Demumbrun	H. K. Lowman	Ray G. Tipton
E. R. Denny	E. J. Lucas	E. N. Todd
G. I. Drury	F. G. Marquette	Walter L. Trivette
Forest C. Easley	E. H. Martin	Harry F. Walters
Bernie S. Edlin	W. E. McClure	Morris Weintraub
Eck Embry	Harry L. Moore	Lawrence Wells,
R. R. Ernest	J. Lee Moore	—65

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 364. An Act relating to insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1—PURPOSE OF ACT

The purpose of this Act is to promote the public welfare by regulating insurance rates to the end that they shall be reasonable, adequate and not unfairly discriminatory, and to authorize cooperative action among insurers in rate making and in other matters within the scope of this Act. Nothing in this Act is intended (1) to prohibit or discourage reasonable competition, or (2) to prohibit or encourage, except to the extent necessary to accomplish the aforementioned purpose, uniformity in insurance rates, rating plans or practices. This Act shall be liberally interpreted to carry into effect the provisions of this Section.

Sec. 2—SCOPE OF ACT

This Act applies to all kinds, types or forms of insurance written by casualty insurance and surety companies on risks or operations in this State, including fidelity, surety and guaranty bonds and all other kinds, types or forms of motor vehicle insurance, except reinsurance, accident and health insurance, credit insurance, title insurance and insurance against loss of or damage to, or against liability, other than Workmen's Compensation and Employers' Liability, arising out of the ownership, maintenance or use of, any aircraft. With respect to such kinds, types or forms of insurance, this Act applies to all classes of companies including inter-insurers or reciprocal underwriters regulated by Sections 302.080 to 302.140, inclusive, of the Kentucky Revised Statutes, mutual insurers regulated by sections 301.010 to 301.140, inclusive, of the Kentucky Revised Statutes, and insurers operating on the Lloyd's Plan, regulated by Sections 302.150 to 302.230, inclusive, of the Kentucky Revised Statutes. This Act shall not apply to assessment or co-operative companies organized or operating under Chapter 299 of the Kentucky Revised Statutes. If any kind of insurance, subdivision or combination thereof, or type of coverage, subject to this Act is also subject to regulation by another rate regulatory Act of this State, an insurer to which both Acts are otherwise applicable, shall file with the Director of Insurance, hereinafter referred to as Director, a designation as to which rate regulatory Act shall be applicable to it with respect to such

kind of insurance, subdivision or combination thereof, or type of coverage. Insurers transacting any kind, type or form of insurance excluded from the provisions of this Act, and not otherwise regulated by law as to rates, may elect in writing to the Director to accept and become subject to the provisions thereof as to any such kind, type or form of insurance, and shall thereafter remain subject to this Act in all particulars as to any such kind, type or form of insurance for which such election has been made.

Sec. 3—MAKING OF RATES

(a) All rates shall be made in accordance with the following provisions:

1—Due consideration shall be given to past and prospective loss experience within and outside the State, to catastrophe hazards, if any, to a reasonable margin for profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, and to all other relevant factors within and outside the State;

2—The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provision are applicable;

3—Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both;

4—Rates shall be reasonable, adequate and not unfairly discriminatory.

(b) Except to the extent necessary to meet the provisions of Subdivision 4 of Subsection (a) of this Section,

uniformity among insurers in any matters within the scope of this Section is neither required nor prohibited.

Sec. 4—FILING OF RATES AND RATING INFORMATION

(a) Every insurer shall file with the Director every manual of classifications, rules and rates, every rating plan and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof, shall indicate the character and extent of the coverage contemplated and shall be accompanied by the information upon which the insurer supports the filing. A filing and supporting information shall be open to public inspection after the filing becomes effective.

(b) An insurer may satisfy its obligation to make such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings, and by authorizing the Director to accept such filings on its behalf; provided, that nothing contained in this Act shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

(c) The Director shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this Act.

(d) Subject to the exception specified in subsection (e) of this section, each filing shall be on file for a waiting period of ten days before it becomes effective, which period may be extended by the Director for an additional period not to exceed twenty days if he gives written notice within such ten day period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the Director may allow a filing which he has reviewed to become effective before the expiration of the ten day period or any extension thereof. A filing shall be deemed to meet the requirements of this Act unless disapproved by the Director within the waiting period or any extension thereof.

(e) Any special filing with respect to a surety or guaranty bond required by law or by court or executive order or by order, rule or regulation of a public body, not covered by a previous filing, shall become effective when filed and shall then be deemed to meet the requirements of this Act unless disapproved by the Director.

(f) Under such rules and regulations as he shall adopt the Director may, by written order, suspend or modify the requirement of filing as to any kind, type or form of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used, or are not customarily made by rating organizations. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The Director may make such examination as he may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in subdivision 4 of subsection (a) of Section 3.

(g) A rate in excess of that provided by filing may be used on any specific risk with the written consent of the insured if such rate and consent are filed promptly with the Director, and the rate is not disapproved by him.

(h) Beginning ninety days after the effective date of this Act no insurer shall make or issue a contract or policy except in accordance with filings which are in effect for said insurer as provided in this Act or in accordance with subsections (f) or (g) of this Section.

Sec. 5—DISAPPROVAL OF FILINGS; REMOVAL OF UNFAIR DISCRIMINATION

(a) If within the waiting period or extension thereof as provided in subsection (d) of Section 4, the Director finds that a filing does not meet the requirements of this Act, he shall send to the insurer or rating organization which made such filing written notice of disapproval of such filing specifying therein in what respects he finds such filing fails to meet the requirements of this Act and stating that such filing shall not become effective.

(b) If within thirty days after a special surety or guaranty filing subject to subsection (e) of Section 4 has be-

come effective, the Director finds that such filing does not meet the requirements of this Act, he shall send to the insurer or rating organization which made such filing written notice of disapproval of such filing specifying therein in what respects he finds that such filing fails to meet the requirements of this Act and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Said disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in said notice.

(c) If at any time subsequent to the applicable review period provided for in subsection (a) or (b) of this section, the Director finds that a filing does not meet the requirements of this Act, he may, after a hearing held upon not less than twenty days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing, issue an order specifying in what respects he finds that such filing fails to meet the requirements of this Act, and stating when within a reasonable period thereafter, such filing shall be deemed no longer effective. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order. If, however, the Director finds that an unfair discrimination exists in the application of a filing to an individual risk he may, after a hearing held on like notice to the insurer affected and to any rating organization which made such filing, issue an order that such discrimination be removed.

Copies of any order issued hereunder shall be sent to every such insurer and rating organization.

Sec. 6—RATING ORGANIZATIONS

(a) A corporation, an unincorporated association, a partnership or an individual, whether located within or outside the State, may make application to the Director for license as a rating organization for such kinds of insurance or subdivisions thereof as are specified in its application and shall file therewith (1) a copy of its Constitution, its Articles of Agreement or Association or its Certificate of incorporation, and of its By-laws and Rules governing the conduct of its business, (2) a list of its members and subscribers, (3) the name and address of a resident of the State upon whom

notices or orders of the Director or process affecting such rating organization may be served, and (4) a statement of its qualification as a rating organization. If the Director finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization and that its Constitution, Articles of Agreement or Association or Certificate of Incorporation, and its By-laws and Rules governing the conduct of its business conform to the requirements of this Act, he shall issue a license specifying the kinds of insurance or subdivisions thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the Director within sixty days of the date of its filing with him. Licenses issued pursuant to this Section shall remain in effect until suspended or revoked by the Director. The fee for said license shall be Twenty Five Dollars. Licenses issued pursuant to this Section may be suspended or revoked by the Director, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this Subsection.

(b) Subject to rules and regulations which have been approved by the Director as reasonable, each rating organization shall permit any insurer, not a member, to be a subscriber to its rating services for any kind of insurance or subdivision thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers. Each rating organization shall furnish its rating services without discrimination to its members and subscribers. The refusal of any rating organization to admit an insurer as a subscriber, or the reasonableness of any rule or regulation applicable to a subscriber, shall, at the request of any such insurer or subscriber, be reviewed by the Director at a hearing held upon at least ten days' written notice to such rating organization, insurer or subscriber. If the rating organization fails to grant or reject an insurer's application for subscribership within thirty days after it was made, the insurer may request a review by the Director as if the application had been rejected. If the Director finds that the insurer has been refused admittance to the rating organization as a subscriber without justifica-

tion, he shall make an order directing the rating organization to admit the insurer as a subscriber. If he finds that the action of the rating organization was justified, he shall make an order affirming its action. Every rating organization shall notify the Director promptly of every change in (1) its Constitution, its Articles of Agreement or Association or its Certificate of Incorporation, and its By-laws and rules governing the conduct of its business, (2) its list of members and subscribers and (3) the name or address of the resident of the State designated by it upon whom notices or orders of the Director or process affecting such rating organization may be served.

(c) No rating organization shall adopt any rule the effect of which would be to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers.

(d) The Director shall, at least once in four years, make or cause to be made an examination of each rating organization licensed in this State. The reasonable costs of such examination shall be paid by the rating organization examined upon presentation to it of a detailed account of such cost. The officers, managers, agents and employees of such rating organization may be examined at any time under oath and shall exhibit all books, records, accounts, documents or agreements governing its method of operation. The Director may waive such examination upon proof that such rating organization has, within a reasonably recent period, been examined by the insurance supervisory official of another State, pursuant to the laws of such State, and upon the filing with the Director of a copy of the report of such examination.

Sec. 7—DEVIATIONS

Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the Director for permission to file a uniform percentage decrease or increase to be applied to the premiums produced by the rating system so filed for a kind of insurance, or for a subdivision or combination thereof for which sub-

division or combination separate expense provisions are applicable. Such application shall specify the basis for the modification and a copy thereof shall also be sent simultaneously to such rating organization. The Director shall set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten days' written notice thereof. In the event the Director is advised by the rating organization that it does not desire a hearing he may, upon the consent of the applicant, waive such hearing. The Director shall issue an order permitting the modification for such insurer to be filed if he finds it to be justified. He shall issue an order denying such application if he finds that the resulting premiums would be inadequate, unreasonable or unfairly discriminatory. Each deviation permitted to be filed shall be effective for a period of one year from the date of such permission unless terminated sooner with the approval of the Director.

Sec. 8—APPEAL BY MINORITY

Any member of or subscriber to a rating organization may appeal to the Director from the decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization and the Director shall, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization, issue an order approving the decision of such rating organization or directing it to give further consideration to such proposal. If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber which is based on a system of expense provisions which differs, in accordance with the right granted in Sub-division (2) of Sub-section (a) of Section 3, from the system of expense provisions included in a filing made by the rating organization, the Director shall, if he grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding such appeal the Director shall apply the standards set forth in Section 3.

Sec. 9—INFORMATION TO BE FURNISHED INSURERS; HEARINGS AND APPEALS OF INSUREDS

Every rating organization and every insurer which makes

its own rates shall, within a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any person affected by a rate made by it, or to the authorized representative of such person, all pertinent information as to such rate. Every rating organization and every insurer which makes its own rates shall provide within this State reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty days after it is made, the applicant may proceed in the same manner as if his application had been rejected. Any party affected by the action of such rating organization or such insurer on such request may, within thirty days after written notice of such action, appeal to the Director, who, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action.

Sec. 10—RATE ADMINISTRATION

(a) Recording and Reporting of Loss and Countrywide Expense Experience.

The Director shall promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with him, which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss and countrywide expense experience, in order that the experience of all insurers may be made available at least biennially in such form and detail as may be necessary to aid him in determining whether rating systems comply with the standard set forth in Section 3. In promulgating such rules and plans, the Director shall give due consideration to the rating systems on file with him and, in order that such rules and plans may be as uniform as is practicable among the several States, to the rules and to the form of the plans used for such rating systems in other States. No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent

with the rating system filed by it. The Director may designate one or more rating organizations or other agencies to assist him in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the Director, to insurers and rating organizations.

(b) Interchange of Rating Plan Data.

Reasonable rules and plans may be promulgated by the Director for the interchange of loss experience necessary for the application of rating plans.

(c) Consultation with Other States.

In order to further uniform administration of rating laws, the Director and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult and cooperate with them with respect to rate making and the application of rating systems.

(d) Rules and Regulations.

The Director may make reasonable rules and regulations necessary to effect the purposes of this Act.

Sec. 11—FALSE OR MISLEADING INFORMATION

No person or organization shall knowingly give false or misleading information to the Director, to any statistical agency designated by the Director, to any rating organization, or to any insurer, which will in any way affect the rates or premiums chargeable under this Act. A violation of this Section shall subject the one guilty of such violation to the penalties provided in Section 13 of this Act.

Sec. 12—REBATES PROHIBITED

No insurer or employee thereof, and no agent shall knowingly charge, demand or receive a premium for any policy of insurance except in accordance with the applicable filing on file with the Director. No insurer or employee thereof, and no agent shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit or reduction of the premium named in a policy of

insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy of insurance, except to the extent provided for in such applicable filing. No insured named in a policy of insurance, nor any employee of such insured shall knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement, or reduction of premium, or any special favor or advantage or valuable consideration or inducement. Nothing herein contained shall be construed as prohibiting the payment of commissions or other compensation to duly licensed agents and brokers, nor as prohibiting any participating insurer from distributing to its policyholders dividends, savings or the unused or unabsorbed portion of premiums and premium deposits.

As used in this Section the word "insurance" includes suretyship and the word "policy" includes bond.

Sec. 13—PENALTIES

Any person or organization who wilfully violates any provision of this Act shall, upon conviction, be fined not less than Twenty-Five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00). Such penalty may be in addition to any other penalty provided by law.

The Director may suspend the license of any rating organization or insurer which fails to comply with an order of the Director within the time limited by such order, or any extension thereof which the Director may grant. The Director shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or, if an appeal has been taken, until such order has been affirmed. The Director may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him, unless he modifies or rescinds such suspension, or until the order upon which such suspension is based is modified, rescinded or reversed. No penalty shall be imposed and no license shall be suspended or revoked except upon a written order of the Director, stating his findings, made after

a hearing held upon not less than ten days' written notice to such person or organization specifying the alleged violation.

Sec. 14—HEARING PROCEDURE AND JUDICIAL REVIEW.

(a) Any insurer or rating organization aggrieved by any order or decision of the Director made without a hearing, may, within thirty days after notice of the order to the insurer or organization, make written request to the Director for a hearing thereon. The Director shall hear such party or parties within twenty days after receipt of such request and shall give not less than ten days' written notice of the time and place of the hearing. Within fifteen days after such hearing the Director shall affirm, reverse or modify his previous action, specifying his reasons therefor. Pending such hearing and decision thereon the Director may suspend or postpone the effective date of his previous action.

(b) Nothing contained in this Act shall require the observance at any hearing of formal rules of pleading or evidence.

(c) Any order or decision of the Director shall be subject to review by appeal to the Franklin Circuit Court at the instance of any party in interest, who shall, within twenty days after such order or decision has become final, file a petition for review in said court. The petition shall state fully the grounds upon which a review is sought, assign all errors relied on and be verified by the petitioner, who shall furnish copies of the petition to the respondents at the time of filing. Summons shall issue, upon the petition, directing the adverse party to file answer within fifteen days after service thereof, and directing the Director to certify to the court the complete record of the proceedings upon which such order or decision is based.

No new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of this Act and affecting the order or decision appealed from, but the court shall otherwise hear the cause upon the record as certified by the Director.

Such appeal shall not be limited to questions of law. The court shall determine whether the appeal shall operate as a stay of any such order or decision of the Director. The court may, in disposing of the issue before it, affirm, modify, or reverse the order or decision of the Director in whole or in part, or remand the action to the Director for further proceedings in accordance with the direction of the Court.

Sec. 15—LAWS AMENDED AND REPEALED.

Sub-section (3) of Section 302.080 of the Kentucky Revised Statutes is amended to read as follows:

"(3) Except as provided in KRS 136.370, 296.320, 302.-080 to 302.140 and in this Act no law of this State relating to insurance shall apply to the exchange of indemnity contracts as regulated by KRS 302.080 to 302.140."

All other laws or parts of laws in conflict or inconsistent with the provisions of this Act are hereby repealed.

Sec. 16—CONSTITUTIONALITY

If any Section, Sub-section, Sub-division, paragraph, sentence or clause of this Act is held invalid or unconstitutional, such decision shall not affect the remaining portions of this Act.

Sec. 17—EFFECTIVE DATE.

This Act shall take effect October 1, 1947.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Harold L. Barnes	W. G. Biggers
Henry Arrowood	F. H. Bassett, Jr.	Jack Bingham
F. O. Baker	Ott Begley	J. C. Bradley

Chas. W. Burnley	Kerby Jennings	Joe E. Nunn
W. K. Coleman	L. H. Jones	Louis T. Peniston
S. J. Daugherty	Paul Jonas	Sylvester Phillips
L. A. Demumbrun	B. F. Kincaid	L. W. Preston
E. R. Denny	G. O. Kirkpatrick	E. F. Prichard
Adron Doran	Homer E. Losey	Kelse H. Risner
G. I. Drury	A. L. Love	Amos Runyan
Forest C. Easley	H. K. Lowman	Luther Slusher
Eck Embry	E. H. Martin	Forrest Smith
R. R. Ernst	E. J. Lucas	E. A. Spencer
Tom Gilliam	F. G. Marquette	Paul J. Stapleton
M. B. Gilligan	W. E. McClure	Geo. W. Steinford
Harold G. Helm	Jack McPherron	L. S. Stephens
E. R. Hilton	Harry L. Moore	E. L. Thompson
Clyde S. Howard	J. Lee Moore	Ray G. Tipton
Maurice Howard	Joe T. Morgan	E. N. Todd
Jerry F. Howell	E. C. Mullins	Walter L. Trivette
J. J. Huff	J. C. Newcomb	Morris Weintraub
Ira W. Hulette	Thos. A. Noe	Lawrence Wells
W. H. Hunt		—67

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 392. An Act to repeal and re-enact Sec. 15.130 of Chapter 15.

With a committee amendment thereto by way of substitute therefor.

Said bill is a follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 15.130 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

Assistant Attorney for Alcohol Beverage Control.

The Attorney General shall, with the approval of the Commissioner of the Alcohol Beverage Control, appoint Assistant Attorney General whose sole duties shall be to act as legal counsel for the Distilled Spirits Unit and the Malt Beverage Unit. He shall be paid an annual salary not to exceed $4,000.00 from the Department of Alcohol Beverage Control appropriation.

An act to repeal, amend and re-enact certain sections of Chapter 241, KRS 241.010 to and including KRS 241.990.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 241.010 (19) of the Kentucky Revised Statutes is repealed, amended and re-enacted to read as follows:

An act to repeal, amend and re-enact certain sections of Chapter 241, KRS 241.010 to and including KRS 241.990. KRS 241.010 (19) "Field Representatives" means any employee or agent of the department who is regularly employed and whose primary function is to travel from place to place for the purpose of visiting persons or premises, and any employee or agent of the department who is assigned, temporarily or permanently, by the commissioner to duty outside the main offiice of the department at Frankfort, in connection with the administration of Alcoholic Beverage Statutes.

An act to repeal, amend, and re-enact certain sections of Chapter 242, KRS 242.010 to and including 242.990.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 242.100 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

Traffic in alcoholic beverages on election day prohibited. Upon each day that an election is held, no place where alcoholic beverages are sold in the territory affected shall be open during the time the polls are open. No person in that territory shall sell, loan, furnish or give to any person alcoholic beverages during the time the polls are open.

An act to repeal, amend, and re-enact certain sections of Chapter 243, KRS 243.010 to and including 243.990.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 243.080 of the Kentucky Revised Statutes is hereby repealed.

2. Section 243.100 (2554b-154) of the Kentucky Revised Statutes is hereby repealed and re-enacted to read as follows:

Persons who may not be licensed. No person shall become a licensee under KRS 243.020 to 243.670 who:

(1) Has been convicted of any misdemeanor directly or indirectly attributable to the use and or sale of alcoholic beverages, or any felony, within five years preceding the application: This subsection shall not apply to persons licensed on July 1, 1945.

(2) Is under the age of twenty-one years:

(3) Is not a citizen of the United States and has not been an actual bona fide resident in this State for at least two years before the date on which his application for a license is made; and is not at the time said application is made a resident of a city, village, or county in which the premises covered by the license is located.

(4) Is a partnership or corporation unless each member of the partnership or each of the stockholders, principal officers, managers and employees of a corporation has not been convicted of any misdemeanor or a felony, as in section one, is twenty-one years of age or more and is a citizen of the United States and has had actual bona fide residence in the State for at least two years prior to the date of becoming a member in the partnership or a stockholder, principal officer, manager, or employee of a corporation.

(5) Has had any license issued under this statute relating to the regulation of the manufacture, sale and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction; or

(6) Is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale and transportation of alcoholic beverages, revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction.

(7) Solicitors and agents shall not be precluded from entering the State and doing business with distillers, blenders, bottlers, rectifiers, vintners, wholesalers, brewers, or distributors.

(8) This section shall not apply to applicants for manufacturers' license, that are corporations authorized to do business in the State or to persons licensed on July 1, 1945.

An act to repeal and re-enact Chapter 243 of the Kentucky Revised Statutes No. 243.010 to and including 243.990.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.100 (2554b-154) paragraph 7 is enacted to read as follows:

No person holding a county or city office whose duties are law enforcing or executive shall at the same time be interested directly or indirectly in any business licensed by the Alcoholic Beverage Control Board.

An act to repeal, amend, and re-enact certain sections of 243, KRS 243.010 to and including 243.990.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 243.490 (2554b-141; 2554e-10), paragraph 1 is re-enacted in full and the following is added thereto:

A licensee whose place of business is conducted by a manager or agent, said manager or agent should possess the same qualities as is required of the licensee.

3. Section 243.500 (2554b-134) Par. 4 is repealed and reenacted to read as follows:

Causes for which licenses must be revoked or suspended.

(4) If, within a period of five consecutive years, there shall have been two or more convictions of any licensee or of any of his clerks, servants, agents or employees for any violations of the terms and provisions of Chapter 241, 243, or 244 or any Act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his clerks, servants, agents or employees shall have twice been convicted of any felony or of any misdemeanor directly or indictly attributable to the use or sale of intoxicating liquors, or of any such felony and one such misdemeanor.

4. Kentucky Revised Statutes is hereby repealed and re-enacted as follows:

Section 243.530 (2554b-143) License to be surrendered upon revocation; police chief, sheriff, or alochol control agent. Within three days after any order of revocation of a license issued under KRS 243.020 to 243.670 becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient conpliance with this section. The licensee shall at once surrender his license to the board. If the license revoked is for premises located in any city that has a police force of its own, the board, immediately upon mailing notice of the revocation of the license to the licensee, shall mail to the chief of the police department of that city a written notice stating the fact, of the revocation, the name of the licensee whose license was revoked, the address of the premises that had been licensed under the revoked license and the date of the revocation. If the license revoked is for premises that are not located in any city with a police force of its own, the board shall in like manner and at like time mail a similar notice to the sheriff of the county in which the premises are located. If the revoked license is not forthwith surrendered by the licensee, the chief of the police department, sheriff or alcohol control agent shall at the request of the board, immediately cause

one of his officers to take physical possession of the license and return it to the board.

5. Section 243.630 (2554b-160) of the Kentucky Revised Statutes is hereby repealed and re-enacted as follows:

Transfer of License without authorization prohibited.

No license under KRS 243.020 to 243.670 to any person for any licensed premises shall be transferable or assignable to any other person or to any other premises or to any other part of the building containing the licensed premises, unless a transfer or assignment is authorized by the state administrator in the exercise of his sound discretion under KRS 243.640 or 243.650. The licensee having transferred his license to another person or to a corporation shall not again apply for such a license until after the expiration of a full twelve months' period. This shall apply to all retail alcoholic beverage licenses and retail malt licenses. For the purposes of this section each railroad dining car shall be deemed premises to be separately licensed.

No person barred by this section shall avoid its operation by forming or becoming a stockholder in a corporation.

6. Section 243.740 (4281c-6; 4281c-10) of Kentucky Revised Statutes is hereby repealed and re-enacted as follows:

Who to Pay the Tax and Affix the Tax Stamps.

(1) The wholesaler who pays the tax imposed by KRS 243.720 on any alcoholic beverage shall evidence the payment by the purchase and affixing of stamps issued by the department. The wholesaler shall affix the stamps or cause them to be affixed upon each retail container in such manner as prescribed by the department.

(2) Where wholesaler who purchases or otherwise acquires title to any alcoholic beverage made taxable by KRS 243.720, where transported by common carrier from distiller, rectifier or any other producer licensed under KRS 243.030, without affixing or causing to be affixed the consumers tax stamps, the wholesaler shall affix or cause to be affixed the stamps required to be affixed by subsection (1) within (5) days (from the time the alcoholic beverage is delivered in

Kentucky from distillers, rectifiers, blenders, bottlers and vintners, or from points outside to points in Kentucky, wholesaler receives the alcoholic beverages at his licensed premises) but if a wholesaler in purchasing or otherwise acquiring title to alcoholic beverage resales or otherwise disposes of it without ever having actual possession of the alcoholic beverage he shall affix the stamps or cause them to be affixed before delivery is made to the purchaser or donee.

(3) Except as provided in KRS 243.780, the wholesaler who imports any alcoholic beverage in any retail container for eventual retail sale or distribution by gift or retail sale in this state shall pay the tax imposed by KRS 243.720 and affix the stamps upon the alcoholic beverage before it is sold or offered for sale or distribution by gift or sale. The tax shall be paid and the stamps shall be affixed within five (5) days after receipt of the alcoholic beverage at the licensed premises of the importer.

(4) In the case of malt beverages, the commissioner may order that persons selling to retailers affix the stamps to invoices. Malt beverage retailers shall keep all such stamped invoices for two years, for examination by the department.

7. Section 243.760 (4381c-13) is amended to read as follows: Prohibtion of Sale, Transportation or Purchase without Stamps.

(1) No alcoholic beverage in retail containers shall be sold by a wholesaler licensed under KRS 243.030 for eventual retail sale or distribution by gift or retail sale unless a stamp evidencing payment of the tax on the alcoholic beverages is in place on the retail container.

(2) No common carrier or other person shall transport alcoholic beverages from the licensed premises of a wholesaler unless and until the consumer's tax stamp is affixed to the retail container, with two exceptions when the alcohol beverage is returned to the vendor or is exported.

(3) No retail outlet shall purchase or possess an alcoholic beverage except in retail containers to which the stamps have been properly affixed.

An act to repeal, amend, and re-enact certain sections of Chapter 244, KRS 244.010 to and including 244.990.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 244.260 (2554b-172) paragraph (2) is repealed and re-enacted to read as follows:

"No wholesaler shall sell any distilled spirits or wine except in cases of containers of uniform size, except that wine may be sold in barrels, kegs, or units of four one-gallon containers. "Case" as used in this section means a carton of containers aggregating not less than two and four-tenths nor more than three wine gallons.

Section 244.390 (2554e-2) paragraph 7 of the Kentucky Revised Statutes is enacted as follows:

The tax provided for in paragraph 3 of this section is declared to be and shall be construed as an emergency war tax measure.

Said Committee Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 15.130 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

The Attorney General shall, with the approval of the Commissioner of the Alcohol Beverage Control, appoint an Assistant Attorney General whose sole duties shall be to act as legal counsel for the Distilled Spirits Unit and the Malt Beverage Unit of the Department of Alcoholic Beverage Control. He shall be paid an annual salary not to xeceed $4,000.00 from the Department of Alcoholic Beverage Control appropriation.

Sec. 2. Subsection (19) of Section 241.010 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(19) "Field Representative" means any employe or agent of hte department who is regularly employed and whose primary function is to travel from place to place for the purpose of visiting persons or premises, and any employe or agent of the department who is assigned, temporarily or

permanently, by the commissioner to duty outside the main office of the dpeartment at Frankfort, in connection with the administration of alcoholic beverage statutes.

Sec. 3. Section 243.100 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) No person shall become a licensee under KRS 243.020 to 243.670 who:

(a) If an individual, has been convicted of any misdemeanor directly or indirectly attributable to the use and or sale of alcoholic beverages, or any felony, within five years preceding the application;

(b) If a nindividual, is under the age of twenty-one years;

(c) If an individual, is not a citizen of the United States and has not been an actual bona fide resident of this State for at least two years before the date on which his application for a license is made; and, in the case of retail licneses, is not at the time said application is made a resident of the city or county in which the premises covered by the license is located.

(d) If a partnership or corporation, unless each member of the partnership or each of the stockholders, principal officers, managers and employes of the corporation has not been convicted of any misdemeanor or a felony, as defined in paragrah (a) of this subsection, is twenty-one years of age or more and is a citizen of the United States and has had actual bona fide residence in the State for at least two years prior to the date of becoming a member in the partnership or a stockholder, principal officer, manager, or employe of the corporation, except that the requirements of this paragraph with respect to residence shall not apply to a corporation or partnership applying for a retail license for premises in or upon which the croporation or partnerhsip has operated an established business for at least two years pior to the date of application for the license.

(e) Has had any license issued under this statute relating to the regulation of the manufacture, sale and transportation of alcoholic beverages revoked for cause or has been con-

victed of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction; or

(f) Is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale and transportation of alcoholic beverages, revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction.

(2) The provisions of subsection (1) of this section with respect to residence requirements shall not apply to applicants for a license as a solicitor or agent.

(3) This section shall not apply to applicants for any manufacturers' license, or to persons licensed on July 1, 1945.

Sec. 4. A new section of the statute is created, to be numbered KRS 243.105 and to read as follows:

No person holding a county or city office whose duties are law enforcing or executive shall at the same time be interested directly or indirectly in any business licensed by the Alcoholic Beverage Control Board, except that this shall not apply to an interest held on July 1, 1945, in a business then licensed.

Sec. 5. Subsection (4) of Section 243.500 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(4) If, within a period of five consecutive years, there shall have been two or more convictions of any licensee for any violations of the terms and provisions of Chapter 241.243, or 244 or any Act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use or sale of intoxicating liquors, or of one felony and one such misdemeanor.

Sec. 6. Section 243.530 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

Within three days after any order of revocation of a license issued under KRS 243.020 to 243.670 becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section. The licenses shall at once surrender his license to the board. If the license revoked is for premises located in any city that has a police force of its own, the board, immediately upon mailing notice of the revocation of the license to the licensee, shall mail to the chief of the police department of that city a written notice stating the fact of the revocation, the name of the licensee whose license was revoked, the address of the premises that had been licensed under the revoked license, and the date of the revocation. If the license revoked is for premises that are not located in any city with a police force of its own, the board shall in like manner and at like time mail a similar notice to the sheriff of the county in which the premises are located. If the revoked license is not forthwith surrendered by the licensee, the chief of the police department, sheriff or any alcoholic control agent shall, at the request of the board, immediately take physical possession of the license and return it to the board.

Sec. 7. Section 243.630 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

No license under KRS 243.020 to 243.670 to any person for any licensed premises shall be transferable or assignable to any other person or to any other premises or to any other part of the building containing the licensed premises, unless a transfer or assignment is authorized by the state administrator in the exercise of his sound discretion under KRS 243.640 or 243.650. In the case of a retail licnese, the licensee having transferred his license to another person shall not again apply for such a license until after the expiration of a full twelve months' period. For the purposes of this section each railroad dining car shall be deemed premises to be separately licensed. No person barred by this section shall avoid

its operation by forming or becoming a stockholder in a corporation.

Sec. 8. Section 243.740 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) The wholesaler who pays the tax imposed by KRS 243.720 on any alcoholic beverage shall evidence the payment by the purchase and affixing of stamps issued by the department. The wholesaler shall affix the stamps or cause them to be affixed upon each retail container in such manner as is prescribed by the department.

(2) The wholesaler who purchases or otherwise acquires title to any alcoholic beverage made taxable by KRS 243.720 shall, within (5) days from the time the alcoholic beverage is delivered at his licensed premises, affix or cause to be affixed the stamps required by subsection (1), but if a wholesaler in purchasing or otherwise acquiring title to the alcoholic beverage resells or otherwise disposes of it without ever having actual possession of the alcoholic beverage he shall affix the stamps or cause them to be affixed before delivery is made to the purchaser or donee.

(3) Except as provided in KRS 243.780, the wholesaler who imports any alcoholic beverage in any retail container for eventual retail sale or distribution by gift or retail sale in this state shall pay the tax imposed by KRS 243.720 and affix the stamps upon the alcoholic beverage before it is sold or offered for sale or distribution by gift or sale. The tax shall be paid and the stamps shall be affixed within five (5) days after receipt of the alcoholic beverage at the licensed premises of the importer.

(4) In the case of malt beverages, the commissioner may order that person selling to retailers the stamps to invoices. Malt beverage retailers shall keep all such stamped invoices for two years, for examination by the department.

Sec. 9. Section 243.760 of the Kentucky Revised Statutes is amended to read as follows:

(1) No alcoholic beverage in retail containers shall be sold by a wholesaler licensed under KRS 243.030 for eventual retail sale or distribution by gift or retail sale unless a stamp

evidencing payment of the tax on the alcoholic beverages is in place on the retail container.

(2) No common carrier or other person shall transport alcoholic beverages in retail containers from one point to another within the state unless the stamp is in place, except that

(a) A common carrier may transport alcoholic beverages from a distiller, rectifier, bottler or vintner to the licensed premises of a wholesaler or to a licensed public warehouse without the stamp having been affixed to the retail container; and

(b) A common carrier may transport alcoholic beverages from the licensed premises of a wholesaler for return to the original vendor where the stamps have been affixed but have been cancelled under the supervision of the department.

(3) No retail outlet shall purchase or possess any alcoholic beverage except in retail containers to which the stamps have been properly affixed.

Sec. 10. Subsection (2) of Section 244.260 of the Kentucky Revised Statutes is amended to read as follows:

(2) No wholesaler shall sell any distilled spirits or wine except in cases of containers of uniform size, except that wine may be sold in barrels or kegs, or units of four one-gallon containers. "Case" as used in this section means a carton of containers aggregating not less than two and four-tenths nor more than three wine gallons.

Sec. 11. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 243.105 and to read as follows:

No retail licensee of alcoholic beverages may employ any person in the operation of the licensed premises unless such person holds a retail premises employes license. The fee for such license shall be $.200 per year, and each license shall run co-extensively with the license period of the retail licensee by whom the employe is employed.

Such licenses shall be issued by the Alcoholic Beverage Control Board only upon application of the holder of the license for the retail premises in which the employe is to be

employed, setting forth such information as the board may require with respect to the character and history of the proposed employe. The provisions of KRS 243.430 as to issuance and delivery of retail licenses shall apply to the licenses provided for in this section. No person shall be issued an employe's license who does not meet the requirements set forth in KRS 244.090. Each employe's license shall designate the premises in which the employe is authorized to be employed. Any retail premises employe's license may be denied, suspended or revoked for the same reasons and under the same procedure as is provided for other alcoholic beverage licenses, and the same provisions shall govern with respect to renewal of a license or issuance of a new license following a revocation or suspension.

Mr. Prichard offered the following amendments to said Substitute, viz.:

1. Amend Committee Substitute for H. B. 392 on page 2, sec. 1 (c) line 13 by striking the words "city or"

2. Amend the Committee Substitute for H. B. 392 on page 3, sec. 3 lines 42 and 43 by striking the words "manufacturers' license," and inserting in lieu thereof the words "distiller's or distilled spirits and wine wholesaler's license."

3. Amend Committee Substitute for H. B. 392 by striking the words "transferred his license" on page 5, sec. 7, line 9 and inserting in lieu thereof the words "sold his business"

4. Amend Committee Substitute for H. B. 392 on page 7, sec. 11, line 3 by inserting, immediately following the word "No" the words "wholesaler, distributor, or"

5. Amend the Committee Substitute for H. B. 392 by striking the words "a retail premises" in lines 4 and 6, and inserting in lieu thereof the word "an" and by striking the word "retail" in line 7 and line 9, and by striking the words "retail premises" in line 17.

Said amendment were each and severally agreed to.

Said Substitute was then adopted, as amended.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Jerry F. Howell	Joe E. Nunn
Henry Arrowood	J. J. Huff	Louis T. Peniston
F. O. Baker	Ira W. Hulette	Sylvester Phillips
F. H. Bassett, Jr.	Kerby Jennings	L. W. Preston
Ott Begley	Paul Jonas	E. F. Prichard
W. G. Biggers	B. F. Kincaid	Kelse H. Risner
Jack Bingham	Edgar Kitchen	Amos Runyan
B. J. Bonn	H. K. Lowman	Luther Slusher
John Y. Brown	E. J. Lucas	Forrest Smith
Chas. W. Burnley	F. G. Marquette	E. A. Spencer
L. A. Demumbrun	E. H. Martin	Paul J. Stapleton
E. R. Denny	W. E. McClure	Geo. W. Steinford
Adron Doran	Jack McPherron	E. L. Thompson
G. I. Drury	Harry L. Moore	Ray G. Tipton
Forest C. Easley	J. Lee Moore	E. N. Todd
Bernie S. Edlin	Joe T. Morgan	Walter L. Trivette
Eck Embry	E. C. Mullins	S. J. Wagner
M. B. Gilligan	Rodes K. Myers	Harry F. Walters
E. R. Hilton	J. C. Newcomb	Morris Weintraub
Clyde S. Howard	Thos. A. Noe	Lawrence Wells
Maurice Howard		

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There voted in the negative—

Harold L. Barnes —1

Resolved that the title thereof be as amended.

Mr. Prichard moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Clerk's desk, a bill entitled:

H. B. 321. An Act amending and re-enacting Subsec. 2 of KRS 281.480, pertaining to motor carriers.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see Journal of March 5)

Said amendment as proposed and adopted by the Senate, is as follows, viz.:

Amend H. B. 321 in Senate, on page 1, line 4 of the printed bill by inserting between the words "certificate" and "issued" the words "or permit"

Said amendment was concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Denny	B. F. Kincaid
Roy W. Arnold	Adron Doran	Edgar Kitchen
Henry Arrowood	Eck Embry	Homer E. Losey
F. O. Baker	Tom Gilliam	A. L. Love
Harold L. Barnes	M. B. Gilligan	H. K. Lowman
F. H. Bassett, Jr.	E. R. Hilton	E. J. Lucas
Ott Begley	Clyde S. Howard	F. G. Marquette
Jack Bingham	Jerry F. Howell	E. H. Martin
B. J. Bonn	J. J. Huff	W. E. McClure
J. C. Bradley	Ira W. Hulette	Jack McPherron
John Y. Brown	W. H. Hunt	Harry L. Moore
Chas. W. Burnley	Kerby Jennings	J. Lee Moore
S. J. Daugherty	Paul Jonas	Joe T. Morgan

E. C. Mullins	Amos Runyan	E. L. Thompson
Rodes K. Myers	Luther Slusher	E. N. Todd
J. C. Newcomb	Forrest Smith	Walter L. Trivette
Joe E. Nunn	E. A. Spencer	S. J. Wagner
Louis T. Peniston	Geo. W. Steinford	Harry F. Walters
E. F. Prichard	L. S. Stephens	John Wilborn
Kelse H. Risner		—58

Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 135. An Act relating to education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 159.270 of the Kentucky Revised Statutes is amended to read as follows:

No attendance officer or other person shall fradulently report a larger number of children of school age in any district than the actual number, or otherwise make a false report of the census to the Superintendent of Public Instruction.

§ 2. Section 159.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any parent, guardian or custodian who fails to comply with the requirements of KRS 159.010 to 159.170 shall be fined not more than ten dollars for the first offense, and not more than twenty dollars for each subsequent offense. The court trying the case may suspend enforcement of the fine if the child is immediately placed in attendance at a school, and

may finally remit the fine if the attendance continues regularly for the full school term. School attendance may be proved by an attested certificate of the principal or teacher in charge of the school.

(2) Any principal, teacher, attendance officer, assistant attendance officer or other school officer who fails to comply with the provisions of KRS 159.010 to 159.260 shall be fined not less than twenty-five dollars nor more than fifty dollars. Upon conviction under this subsection an attendance officer or assistant attendance officer shall be removed from office and have his certificate revoked, and a principal, teacher or other school officer may have his certificate revoked.

(3) Any person, other than those persons mentioned in subsections (1) and (2) of this section, who fails to comply with any of the provisions of this chapter relating to compulsory attendance, or who violates any of the provisions of KRS 159.130, shall be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned in the county jail for not more than sixty days, or both.

(4) Any person who violates any of the provisions of KRS 159.270 shall be liable to a fine of not less than fifty dollars and shall be liable to the punishment prescribed by law for the crime of false swearing. If he is an officer he shall be removed from office, and if he is an attendance officer his certificate shall be revoked.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	B. J. Bonn	S. J. Daugherty
Henry Arrowood	J. C. Bradley	E. R. Denny
F. H. Bassett, Jr.	John Y. Brown	Adron Doran
Ott Begley	Chas. W. Burnley	Forest C. Easley

Bernie S. Edlin	W. E. McClure	Luther Slusher
Eck Embry	Jack McPherron	Forrest Smith
Tom Gilliam	Harry L. Moore	Paul J. Stapleton
Clyde S. Howard	J. Lee Moore	Geo. W. Steinford
J. J. Huff	Joe T. Morgan	L. S. Stephens
Ira W. Hulette	E. C. Mullins	E. L. Thompson
W. H. Hunt	Joe E. Nunn	Ray G. Tipton
Paul Jonas	Louis T. Peniston	E. N. Todd
B. F. Kincaid	Sylvester Phillips	Walter L. Trivette
Homer E. Losey	L. W. Preston	S. J. Wagner
H. K. Lowman	E. F. Prichard	Harry F. Walters
E. J. Lucas	Kelse H. Risner	Morris Weintraub
F. G. Marquette	Amos Runyan	John Wilborn
E. H. Martin		—52

Those who voted in the negative were—

Harold L. Barnes	A. L. Love	Lawrence Wells
L. H. Jones		—4

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 406. An Act relating to public liability insurance for Police and Fire Departments.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Cities of the first class may, by ordinance of the Legislative body of such cities, provide public liability insurance for the regular police department and the members thereof and for the regular fire department and the members thereof, for the indemnity of such members of police and fire de-

partments as hereinbefore stated against any claims for damages resulting from the operation or use of any motor vehicle, machine, apparatus or equipment of such departments arising from the use and operation of same in any activity within the usual and normal prescribed duties or purposes of such departments.

§ 2. Such public liability insurance may be contracted for the coverage of individuals of the departments, or it may be contracted on a group plan for the coverage of all members of such departments, and such cities shall pay for the premiums on such insurance out of the General funds of such cities.

§ 3. All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Bernie S. Edlin	H. K. Lowman
Roy W. Arnold	Eck Embry	E. J. Lucas
Henry Arrowood	Tom Gilliam	F. G. Marquette
Harold L. Barnes	M. B. Gilligan	E. H. Martin
F. H. Bassett, Jr.	Harold G. Helm	W. E. McClure
Ott Begley	E. R. Hilton	Jack McPherron
W. G. Biggers	Clyde S. Howard	Harry L. Moore
Jack Bingham	Jerry F. Howell	J. Lee Moore
B. J. Bonn	Ira W. Hulette	E. C. Mullins
John Y. Brown	W. H. Hunt	Rodes K. Myers
Chas. W. Burnley	Paul Jonas	Thos. A. Noe
L. A. Demumbrun	L. H. Jones	Joe E. Nunn
E. R. Denny	B. F. Kincaid	Louis T. Peniston
Adron Doran	Edgar Kitchen	Sylvester Phillips
Forest C. Easley	Homer E. Losey	Kelse H. Risner

Luther Slusher	L. S. Stephens	S. J. Wagner
Forrest Smith	E. L. Thompson	Morris Weintraub
E. A. Spencer	Ray G. Tipton	Lawrence Wells
Paul J. Stapleton	E. N. Todd	John Wilborn
Geo. W. Steinford	Walter L. Trivette	—59

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 511. An Act relating to vocational training programs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. There is hereby appropriated out of the unencumbered balance in the General Expenditure Fund in the State Treasury to the State Department of Education, the sum of Two Hundred Thousand Dollars, effective as of the date of this Act, for the purpose hereinafter specified. Such sum shall be placed to the credit of a revolving fund account for the State Department of Education, and shall be used for the purpose of making reimbursements to local boards of education in carrying out, in cooperation with the Federal Government, the program of vocational training for veterans of World War II, in trades, industries, agriculture and distributive occupations. Sums received by the State Department of Education from the Federal Government, or its agencies, as repayment of amounts so reimbursed to local boards of education, shall be placed to the credit of said revolving fund account. The revolving fund account shall be maintained as such until June 30, 1948, subsequent to which date no expenditure

shall be made from the account, but all sums received from the Federal Government, or its agencies, as repayments of amounts so reimbursed to local boards of education for carrying out the program of vocational training for veterans of World War II, shall continue to be deposited to the credit of said revolving account until September 30, 1948, as of which date the full amount to the credit of the account shall revert in its entirety to the General Expenditure Fund in the State Treasury.

Sec. 2. There is further appropriated out of the unencumbered balance in the General Expenditure Fund in the State Treasury, to the State Department of Education, the sum of Four Thousand Dollars, effective as of the date of this Act, to be used for postage, communication, printing, salaries and other necessary recurring expenses in setting up and administering the revolving fund account, as established in Section 1 of this Act, for the remainder of the current fiscal year ending June 30, 1946. There is further appropriated to the State Department of Education from the General Expenditure Fund, for the fiscal year beginning July 1, 1946, and ending June 30, 1947, and for the fiscal year beginning July 1, 1947, and ending June 30, 1948, the following sums for ordinary recurring expenses of administering the veterans training revolving fund account:

1946-47	$39,250.00
1947-48	9,250.00

Sec. 3. WHEREAS, it is necessary that funds be provided immediately in order that Kentucky's veterans of World War II may obtain the advantages of the vocational training program sponsored by the Federal Government, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Joe E. Nunn
Henry Arrowood	Clyde S. Howard	Louis T. Peniston
Harold L. Barnes	Maurice Howard	Sylvester Phillips
F. H. Bassett, Jr.	Jerry F. Howell	E. F. Prichard
Ott Begley	J. J. Huff	Kelse H. Risner
W. G. Biggers	Ira W. Hulette	Amos Runyan
Jack Bingham	W. H. Hunt	Luther Slusher
B. J. Bonn	Paul Jonas	Forrest Smith
J. C. Bradley	B. F. Kincaid	Paul J. Stapleton
John Y. Brown	Edgar Kitchen	Geo. W. Steinford
Chas. W. Burnley	Homer E. Losey	L. S. Stephens
W. K. Coleman	H. K. Lowman	Ralph G. Stone
S. J. Daugherty	E. J. Lucas	E. L. Thompson
E. R. Denny	F. G. Marquette	Ray G. Tipton
G. I. Drury	W. E. McClure	E. N. Todd
Bernie S. Edlin	Jack McPherron	Walter L. Trivette
Eck Embry	Harry L. Moore	S. J. Wagner
R. R. Ernst	J. Lee Moore	Harry F. Walters
Tom Gilliam	E. C. Mullins	Lawrence Wells
M. B. Gilligan	Rodes K. Myers	John Wilborn
Harold G. Helm	Thos. A. Noe	—62

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 210. An Act relating to professional engineers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 322.160 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) The secretary-treasurer of the board shall notify every licensee of the date of the expiration of his license and the amount of the fee required for its renewal for one year. Such notice shall be mailed at least one month in advance of the expiration date. Renewals may be effected at any time during June by the payment of a fee not exceeding ten dollars. The failure of any licensee to renew his license annually in June shall not deprive him of the right of renewal, but the fee to be paid for the renewal of a license after June shall be increased ten percent for each month or fraction of a month that payment of renewal is delayed. But the maximum fee for delayed renewal shall not exceed twice the normal renewal fee. Any person who fails to renew his license within one year after expiration shall furnish the board with satisfactory evidence that he is of good character and reputation and has continued to uphold the ethics of the profession.

(2) All persons who are required to pay renewal fees to the board as licensed engineers shall not be required to pay such fees during the time such persons are actively serving in the Armed Forces of the United States. Any person who has previously paid any renewal fee covering a period during which he was actively serving in the Armed Forces of the United Statesc shall, upon filing with the board a copy of his discharge, be granted a renewal license without the payment of any fee. The free renewal shall be for as many license years as were served by the license in th Armed Forces and which were covered in whole or in part by the previous payment of a denewal fee.

Ordered that said bill be read the third time.

The Constitutional provisions as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Henry Arrowood	Harold L. Barnes
Roy W. Arnold	F. O. Baker	F. H. Bassett, Jr.

Ott Begley	Paul Jonas	Sylvester Phillips
W. G. Biggers	L. H. Jones	L. W. Preston
B. K. Brantley	B. F. Kincaid	E. F. Prichard
Chas. W. Burnley	Edgar Kitchen	Hobart Rayburn
S. J. Daugherty	Homer E. Losey	Kelse H. Risner
L. A. Demumbrun	A. L. Love	Amos Runyan
E. R. Denny	H. K. Lowman	Luther Slusher
Forest C. Easley	E. J. Lucas	Forrest Smith
Bernie S. Edlin	F. G. Marquette	E. A. Spencer
Eck Embry	E. H. Martin	Paul J. Stapleton
Tom Gilliam	W. E. McClure	Geo. W. Steinford
Harold G. Helm	Jack McPherron	L. S. Stephens
E. R. Hilton	Harry L. Moore	Ray G. Tipton
Clyde S. Howard	J. Lee Moore	E. N. Todd
Jerry F. Howell	E. C. Mullins	Walter L. Trivette
J. J. Huff	Thos. A. Noe	S. J. Wagner
Ira W. Hulette	Joe E. Nunn	Harry F. Walters
W. H. Hunt	Louis T. Peniston	John Wilborn
Kerby Jennings		—61

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 508. An Act providing for a Commission to make a factual and comprehensive survey of educational system in Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is created an Educational Survey Commission consisting of three members of the Senate, to be ap-

pointed by the President Pro Tem, and three members of the House of Representatives, to be appointed by the Speaker. Not more than two of the members appointed from the Senate, and not more than two of the members appointed from the House of Representatives, shall be members of the same political party. The members shall hold office until the next regular session of the General Assembly. Any vacancy in the membership from the Senate shall be filled by appointment by the President Pro Tem, and any vacancy in the membership from the House of Representatives shall be filled by appointment by the Speaker. The members shall meet promptly following their appointment and organize by selecting a chairman from their membership. Four members of the Commission shall constitute a quorum for the purpose of doing business.

§ 2. The Commission may hold such meetings as may be deemed necessary to accomplish its functions, such meetings to be held at the call of the chairman, upon his own motion or upon the written request of five members. The members of the Commission shall receive their necessary traveling expenses in attending meetings of the Commission and otherwise in carrying out the functions of the Commission.

§ 3. The Commission may employ and fix the compensation of such secretarial and clerical assistants, and such technical and research assistants, as it deems necessary to effectuate the purposes of this Act.

§ 4. The Commission shall make or cause to be made a factual and comprehensive study of the educational system of Kentucky, including all factors and features that bear upon educational standards and facilities. Such study shall include, among other things:

(1) The adequacy of present methods and practices of school taxation.

(2) The percent of total educational costs which should be borne by the state.

(3) The basis that should be used in allocation and distribution of the Equalization Fund.

(4) The rates and kinds of local taxes that are and should be levied for school purposes.

(5) The particular purposes for which the Common School Fund should be used in aid of education in common schools.

(6) The respective percentages of school funds that are and should be used for various purposes, such as teachers' salaries, transportation, supervision, and building maintenance.

(7) The adequacy of the present system and facilities for transportation of pupils.

(8) The advantages of consolidating or reorganizing local school units.

(9) Any subject or matter relating to education that may affect the general welfare of the Commonwealth or the opportunities or well-being of the citizens of the Commonwealth.

§ 5. The Commission shall make a detailed report of its findings and conclusions to the 1946 General Assembly, and shall submit recommendations for such legislation as it deems necessary.

§ 6. There is hereby appropriated to the Educational Survey Commission, out of the General Expenditure Fund, for the purpose of carrying out the provisions of this Act, the sum of $45,000. Such sum shall be available for expenditure during the balance of the current fiscal year ending June 30, 1946, and for the fiscal years 1946-1947 and 1947-1948. Any portion of such sum not expended or encumbered shall not lapse as of the end of the current fiscal year, or as of the end of the 1946-1947 fiscal year.

§ 7. Whereas, the general welfare of the citizens of the Commonwealth demands that immediate steps be taken to improve the educational opportunities available to children of school age, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Doran offered the following amendments to said bill, viz.:

1. Amend H. B. 508 on page 1, sec. 1 lines 3 and 10 by striking out the words "pro tem."

2. Amend H. B. 508 on page 3, sec. 5, line 2 by striking out the figures "1946" and substituting therefor the figures "1948."

Said amendments were agreed to.

Mr. Spencer offered the following amendment to said bill, viz.:

Amend H. B. 508. on page 1, sec. 1, line 7 by inserting, following the sentence that ends with the word "party" in line 7, the following sentence:

"No appointee to the Commission shall have a pecuniary interest in the subject matter of the survey, nor be engaged in any occupation or profession whereby he is directly concerned with or benefited by expenditures of public funds for education."

Mr. Preston offered the following amendment in lieu of the amendment as offered by Mr. Spencer, viz.:

Amend H. B. 508 on page 1, sec. 1, line 7 by striking the period after the word "party" in line 7 and substituting a comma therefor, and adding thereafter the following:

"And not more than one member appointed from each house shall be engaged in the same occupation, profession or calling."

Said last named amendment was disagreed to.

Said amendment as offered by Mr. Spencer was disagreed to.

Mr. Anderson offered the following amendment to said bill, viz.:

Amend H. B. 508 on page 1, sec. 1, line 7 by adding after the word "party" the following: "or at least one member of the negro race from either the House or the Senate."

Said amendment was agreed to.

Mr. Spencer offered the following amendment to said bill, viz.:

Amend H. B. 508 on page 3, sec. 6, lines 1 to 8 by striking all of lines 1 to 8 inclusive, of sec. 6 and inserting in lieu thereof the following:

Sec. 6. There is hereby appropriated to the Educational Survey Commission, out of the General Expenditure Fund, for the purpose of carrying out the provisions of this Act, the sum of $15,000. The work of the survey shall be completed within twelve months from the time of beginning the survey, and for that purpose the sum hereby appropriated shall be available for expenditure for the balance of the current fiscal year ending June 30, 1946, and for the first nine months of the fiscal year 1946-47."

Said amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and rejected, having failed to receive a Constitutional majority.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	F. O. Baker	Chas. W. Burnley
Henry Arrowood	F. H. Bassett, Jr.	W. K. Coleman

Adron Doran	A. L. Love	Amos Runyan
Bernie S. Edlin	H. K. Lowman	Luther Slusher
R. R. Ernst	F. G. Marquette	Forrest Smith
Tom Gilliam	W. E. McClure	Paul J. Stapleton
E. R. Hilton	E. C. Mullins	Ralph G. Stone
Clyde S. Howard	Thos. A. Noe	Walter L. Trivette
Jerry F. Howell	Sylvester Phillips	Morris Weintraub
Ira W. Hulette	E. F. Prichard	John Wilborn
Paul Jonas	Kelse H. Risner	Mr. Speaker

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Those who voted in the negative were—

Roy W. Arnold	A. H. Eversole	Joe T. Morgan
Harold L. Barnes	M. B. Gilligan	Joe E. Nunn
Ott Begley	Harold G. Helm	Louis T. Peniston
W. G. Biggers	J. J. Huff	E. A. Spencer
Jack Bingham	W. H. Hunt	L. S. Stephens
B. J. Bonn	L. H. Jones	E. L. Thompson
John Y. Brown	B. F. Kincaid	Ray G. Tipton
S. J. Daugherty	Edgar Kitchen	E. N. Todd
L. A. Demumbrun	Homer E. Losey	S. J. Wagner
E. R. Denny	E. J. Lucas	Geo. J. Weining
G. I. Drury	Harry L. Moore	Lawrence Wells
Eck Embry	J. Lee Moore	

—35

Mr. Spencer moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Spencer and Myers, were as follows, viz:

Those who voted in the affirmative were—

Roy W. Arnold	E. R. Denny	L. H. Jones
Harold L. Barnes	G. I. Drury	B. F. Kincaid
Ott Begley	Eck Embry	Edgar Kitchen
Jack Bingham	A. H. Eversole	E. J. Lucas
John Y. Brown	M. B. Gilligan	Harry L. Moore
S. J. Daugherty	Harold G. Helm	Joe T. Morgan
L. A. Demumbrun	J. J. Huff	Rodes K. Myers

Louis T. Peniston	L. S. Stephens	Ray G. Tipton
E. A. Spencer	E. L. Thompson	Geo. J. Weining

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Those who voted in the negative were—

C. W. Anderson	Ira W. Hulette	Amos Runyan
Henry Arrowood	Paul Jonas	Luther Slusher
F. O. Baker	Homer E. Losey	Forrest Smith
F. H. Bassett, Jr.	A. L. Love	Paul J. Stapleton
B. J. Bonn	F. G. Marquette	Ralph G. Stone
Chas. W. Burnley	W. E. McClure	E. N. Todd
W. K. Coleman	J. Lee Moore	Walter L. Trivette
Adron Doran	E. C. Mullins	S. J. Wagner
R. R. Ernest	Thos. A. Noe	Morris Weintraub
Tom Gilliam	L. W. Preston	Lawrence Wells
E. R. Hilton	E. F. Prichard	John Wilborn
Clyde S. Howard	Kelse H. Risner	Mr. Speaker
Jerry F. Howell		

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Mr. J. Lee Moore moved that when the House adjourned today, it adjourn to meet again on Monday, March 19 at eight o'clock P. M.

Mr. Winetraub moved that the House do now adjourn sine die.

The Speaker ruled that said motion was not in order inasmuch as it would require a concurrent resolution to adjourn sine die at this time.

The motion as made by Mr. J. Lee Moore was agreed to.

Mr. Howell moved that the House do now recess for thirty minutes.

Said motion was agreed to.

And then the House recessed.

Thirty minutes having expired, the Speaker resumed the Chair and called the House to order.

A message was received from the Senate announcing that they had passed bills which originated in this House entitled:

H. B. 432. An Act relating to alcoholic beverages.

H. B. 234. An Act relating to medical scholarships.

H. B. 111. An Act relating to registered nurses.

H. B. 369. An Act relating to the retirement of teachers.

H. B. 315. An Act relating to swine.

H. B. 118. An Act relating to compensation of county tax commissioner.

H. Res. 46. Resolution authorizing payment of witness claim to C. D. Williams.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk of this House.

And that they had concurred in resolutions which originated in the House entitled:

H. Res. 78. A Concurrent Resolution in honor of Green H. Hackworth, American member of the United Nations Court of International Justice.

H. Res. 104. Resolution naming a bridge in Warren County "The Emory G. Dent Memorial Bridge."

H. Res. 110. Resolution extending appreciation to Rodman Keenon for entertaining the House and Senate.

H. Res. 111. Resolution protesting against establishment of the Falmouth Dam Project.

A message was received from the Senate announcing that they had passed, bills which originated in this House, entitled:

H. B. 241. An Act relating to billiard and pool rooms.

H. B. 259. An Act relating to Hospital Service Corporations.

H. B. 439. An Act relating to Representative Districts.

H. B. 457. An Act relating to property subject to ad valorem taxes.

H. B. 485. An Act relating to aviation.

H. Res. 28. Resolution providing for payment of the per diem of the late J. T. Linton.

Ordered that said bills and resolutions be delivered to the Governor.

And that they had passed bills which originated in this House, entitled:

H. B. 300. An Act relating to public health.

With an amendment thereto as proposed and adopted by the Senate.

H. B. 377. An Act relating to sewage systems in cities of the first class.

With an amendment thereto as proposed and adopted by the Senate.

H. B. 138. An Act relating to rural electric cooperative corporations.

With an amendment thereto as proposed and adopted by the Senate.

Ordered that said bills be referred to the Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 292 An Act relating to boxing and wrestling.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 229.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall issue a permit, without the payment of any taxes or license, to any accredited college, university, school, Young Men's Christian Association or Young Men's Hebrew Association to hold boxing or wrestling matches or exhibitions upon a sufficient showing that the matches or exhibitions are to be held by and between bona fide students or members of such accredited colleges, universities, schools, Young Men's Christian Associations or Young Men's Hebrew Associations. The department shall also issue a permit, without the payment of taxes or license, to any organization to hold a boxing or wrestling match or exhibition under the sanction of the Kentucky Association of the Amateur Athletic Union of the United States. No boxer or wrestler who has received any fee, purse or other compensation shall be eligible to appear in any match or exhibition sponsored by such a college, university, school, Young Men's Christian Association, Young Men's Hebrew Association, or organization.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

Yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	W. G. Biggers	John Y. Brown
Harold L. Barnes	Jack Bingham	Chas. W. Burnley
F. H. Bassett, Jr.	B. J. Bonn	W. K. Coleman

Adron Doran	Edgar Kitchen	Luther Slusher
G. I. Drury	A. L. Love	Forrest Smith
R. R. Ernst	H. K. Lowman	E. A. Spencer
Tom Gilliam	E. J. Lucas	Paul J. Stapleton
M. B. Gilligan	Harry L. Moore	E. L. Thompson
E. R. Hilton	J. Lee Moore	Ray G. Tipton
Clyde S. Howard	E. C. Mullins	E. N. Todd
Maurice Howard	Louis T. Peniston	Walter L. Trivette
Jerry F. Howell	Sylvester Phillips	S. J. Wagner
J. J. Huff	L. W. Preston	Harry F. Walters
Ira W. Hulette	Kelse H. Risner	Lawrence Wells
Paul Jonas	Amos Runyan	John Wilborn

—45

Those who voted in the negative were—

L. A. Demumbrun	L. H. Jones	Rodes K. Myers
Eck Embry		

—4

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 459. An Act regulating the strip mining of coal, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, unless the context otherwise requires:

(1) "Strip mining" means mining of coal by uncovering therefrom the surface soil and other material above coal deposits.

(2) "Operator" means any person engaged in carrying on strip mining operations.

(3) "Pit" means a tract of land of which the surface soil has been removed from the coal seam in the process of strip mining.

§ 2. Before any operator may commence strip mining operations, under lease or otherwise, upon land, the surface of which is owned by another person, the operator shall deposit with the owner of such surface the sum of twenty-five dollars for each acre upon which the operations are to be conducted, which sums shall guarantee that the operator, promptly upon cessation of mining operations in any pit or pits upon the land, will replace all surface soil and other materials other than usable coal in the pit, so as to restore the land as nearly as reasonably possible to the same surface condition that prevailed prior to the commencement of the strip mining operations, and which sums shall be forfeited to the owner in the event the surface is not so restored.

§ 3. Any lease or grant of mineral rights made before the effective date of this Act shall not be construed to authorize the lessee or grantee to conduct strip mining operations upon land covered by the lease or grant without restoring the surface as provided in Section 2 of this Act, unless the lease or grant contains an expressed provision relieving the lessee or grantee of the obligation to restore the surface.

§ 4. The owner of the surface of land may, in writing, expressly waive his right to the deposit provided for in section 2 of this Act, in which event the deposit shall not be required.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected, having failed to receive the necessary majority.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Clyde S. Howard	Luther Slusher
F. H. Bassett, Jr.	Maurice Howard	E. A. Spencer
W. G. Biggers	Jerry F. Howell	Ralph G. Stone
Jack Bingham	Ira W. Hulette	E. L. Thompson
B. J. Bonn	Homer E. Losey	E. N. Todd
Chas. W. Burnley	E. J. Lucas	Walter L. Trivette
W. K. Coleman	Jack McPherron	S. J. Wagner
L. A. Demumbrun	E. C. Mullins	Harry F. Walters
Adron Doran	Louis T. Peniston	Morris Weintraub
M. B. Gilligan	Sylvester Phillips	John Wilborn
Harold G. Helm	E. F. Prichard	Mr. Speaker
E. R. Hilton	Kelse H. Risner	—35

Those who voted in the negative were—

Harold L. Barnes	Paul Jonas	Harry L. Moore
John Y. Brown	B. F. Kincaid	Joe T. Morgan
G. I. Drury	Edgar Kitchen	Rodes K. Myers
Eck Embry	A. L. Love	Paul J. Stapleton
J. J. Huff	H. K. Lowman	Ray G. Tipton
		—15

Mr. Lowman moved that the vote by which said bill was rejected be reconsidered.

Said motion was agreed to.

Ordered that said bill be laid on the Clerk's Desk.

Mr. William H. Rees, Chairman of the Judicial Council of Kentucky, sent the following report to the House of Representatives, viz.:

RECOMMENDATIONS TO THE GENERAL ASSEMBLY

Members of the Assembly will be asked to introduce bills recommended by the Council for passage to meet certain specific mischiefs, as follows:

1. Although our laws zealously guard their property rights, minors are wholly or inadequately represented in the increasing number of divorce cases between parents wherein their custody is involved. Too often, the evidence is distorted

by passion or strong bias of the parties in contested cases or is perfunctorily adduced in cases of concealed collusion. Especially in the large communities, the court is often unable to get a clear picture of the child's welfare.

It is recommended that the Civil Code of Practice be amended to provide either for a guardian ad litem or a friend of the court in all such cases. It should be his duty to see that the child's interest is properly represented, that the facts affecting its welfare are brought out, to suggest the best provision for the child, and to see that maintenance is forthcoming. In the alternative, the court may be allowed to use the services of any available child welfare agency.

While the Act under which it is created confines its recommendations to procedural matters, the Council invites the attention of the Assembly to certain substantive aspects of the divorce and child custody problem.

A divorce is often sought for parents with the purpose of an early second marriage by one of the parties. Too often the necessity of supporting a second family is urged against a rule to maintain the first. It is suggested that the Assembly consider the advisability of prohibiting the party in fault from remarrying for a limited time, perhaps three to five years.

Frequently there is wilful non-payment of child maintenance ordered in this State to be paid by a parent who has since become a non-resident. He or she may not be reached under the laws against child desertion so long as the child does not suffer actual want. If wilful non-payment were made a penal offense, the guilty party would be made subject to the extradition laws and payment could be enforced.

A divorced parent sometimes violates a custody order with impunity by removing a child outside the State. This likewise should be made a penal offense so as to reach the offending party.

2. Frequently in cases involving non-residents or small amounts, injustice is worked on one of the parties by taking depositions outside the State at many distant places, in many directions, at short intervals.

It is recommended that the Civil Code be amended to provide that in all cases involving less than $500 depositions taken outside the State must be taken on interrogatories; that in all other cases depositions shall be taken on interrogatories unless otherwise ordered by the Circuit judge upon motion and a showing that a party can not adequately obtain the testimony of witnesses upon interrogatories.

WHAT JUDICIAL COUNCIL CAN DO TO IMPROVE THE ADMINISTRATION OF JUSTICE.

In the Foreword to the National Conference of Judicial Councils' Handbook for 1941, Paul B. DeWitt, secretary of that organization pointed out that,

> "for the third time within a century the administration of justice is entering a period of reform. The Field Code of 1848, the Judicature Act of 1873, the adoption of the Federal Rules in 1937, and the formulation of the recommendations of the American Bar Association in 1938, are the milestones which mark this development."

And no less an authority than Dean Pound has declared that the most significant institution which has developed to meet the need for legal reform is the Judicial Council. So it is appropriate in considering the subject "What the Judicial Council can do to improve the administration of justice," briefly to refer to the history of judicial councils and some of their accomplishments.

The state first to take steps to organize a judicial council was Massachusetts, judicature commission recommended to the legislature the creation of such a body. This the legislature did in 1924; and after that recommendation but before the Massachusetts enactment, councils had been set up by Ohio and Oregon, in 1923, and it was in 1922 that the Federal government authorized the organization of the Conference of Senior Circuit Judges. Other states followed this movement started by Massachusetts, our own state in 1928. In a paper in the American Bar Association Journal for February, 1942, Dean Pound, taking as his subject "Judicial Councils", presents an interesting sketch of the genesis, development and some of the achievements of the councils. At

that time, he states, there were 29 states with judicial councils. It appears from his study that in Massachusetts, during the first twelve years of its existence, the council made some 125 recommendations to the legislature, of which about one half were enacted by the legislature. He points out that in New York the council had been notably successful in getting its recommendations adopted. There not only judges were members of the council, but also legislators, and an editor, and Dean Pound thought that this representation of various groups upon the council, with recommendations based upon their different view points and experiences, inside and outside our own profession, probably had much to do with their success in bringing about law reforms. Of the 29 councils, he classed as active all but five. He listed them under consideration by these active councils, ranging from revision of laws as to pardons, paroles and release procedure, as in South Dakota, to reform of the trial jury system, study of the rule making power, of integration of the bar, of slander by radio, and the reporting of decisions. In a number of them they were considering the question of obtaining the rule making power for their courts of last resort, or of persuading these courts to use that power as one inherently judicial. Many of the councils did not confine themselves to considering changes simply in the field of procedure, but were studying also substantive law. With reference to the scope of these activities of the judicial councils, the author made this significant comment:

> "No one can be sure that he is in a position to speak with assurance upon or draft a statute or ruel with respect to any important question until he has looked through the reports of the judicial councils and has seen what they have found and recommended as to the subject. They are fast doing the work of ministries of justice, and doing it well. Nothing augurs better for making the work of our tribunals what it should be than the program of these councils, and the zeal and intelligence with which so many of them are carrying out their purpose."

Note what he says regarding their work being that of ministries of justice. That tribute to their accomplishments takes on emphatic meaning when we are reminded of what

Dean Pound had affirmed nearly a quarter of a century before, when he declared that what was needed in this country was a ministry of justice, "charged with the responsibility of making the legal system an effective instrument for justice," and consisting, as he expressed the requirements, of

> "a body of men competent to study the law in its actual administration functionally, to ascertain the legal needs of the community and the defects in the administration of justice, not academically or a priori, but on the light of every day judicial experience, and to work out definite, consistent, lawyerlike programs of improvement."

In a paper such as this, there can hardly be more than a reference to the studies and accomplishments of these councils. But enough has been presented to suggest, at least, the fact that they are indeed taking a very active hand in bringing practical reforms into the law and administration of justice, and that their work has been acclaimed by those who are experts in that field of endeavor as being of a truly notable character. It may be of interest to say a word or two as to the composition of the various councils. In an address before the Judicial Conference af the Fourth Circuit Court of Appeals at Asheville, N. C., in 1943, Hon. George Maurice Morris, president of the American Bar Association, speaking on the subject "The Judicial Councils of the States," made this statement as to how they were situated in membership:

> "The composition of these state councils varies from state to state. Some have as few as six, (Rhode Island), and some as many as fifty two, (Kentucky), members. Three of them are composed, as is our circuit conference here, of judges exclusively. Three consist of practicing lawyers exclusively, and ten are made up of judges and lawyers together. Eleven include judges, lawyers and legislators. Four have judges, lawyers, legislators and laymen as such. A member of the faculty of the state law school is prescribed as a member in eleven states.
>
> I asked an informed individual which kind of group gets the best results. His answer was, 'Those councils which have laymen on them. Where either lawyers or judges serve alone they seem to lack the energy for sus-

tained attack. Where judges and lawyers serve together each group seems to have a difference about imposing its views upon the other, which stultifies action. Wherever, however, laymen are included, their presence seems to act as an ice-breaker and to stir activity among the professional members of the council. Laymen's criticisms are sharper.' "

He points out that the various councils are by no means operating under like conditions. For instance, in some of the states there is no appropriation from state funds for their work, while in one the appropriation has amounted to $50,000.00 for one year. Five of them have paid staffs; three have had some paid expert help, while the remainder have had to depend for their research and study upon their own members.

Not only are the councils active in getting laws and rules enacted and promulgated for the improvement in the administration of justice, but they are informing the profession and the public by the printed word of what is being done in that regard, what it is desired to do, and the reasons underlying the various proposals. Annual reports, books, pamphlets, researches, dealing with the various subjects of law reform are gotten out by these councils. One published sixteen studies in one year. An active judicial council can, and does, get things done. In this connection I wish to quote what Mr. Morris said as to their work:

"The Temple of Justice is getting an inspection and at least an attempted clean-up which apparently exceeds in extent and variety the experience of any of the living ministers of that edifice."

Turning from this view of judicial councils generally to that of our own organization, the question naturally presents itself as to whether our council is making or has made the contributions to better administration of justice that may rightly be expected of such a group. The council has from time to time sponsored measures before the legislature that have been enacted into law and have resulted in substantial improvement of the law. Unfortunately, comparatively few lawyers in the State are aware of just what changes in the law

have resulted from the efforts of this council. There is a disposition—let us be frank about this—on the part of the profession not to take the work of this body seriously, and a belief, by some at least, that we do not ourselves take our work as members of this council seriously. And in that connection, it is well enough to note that when Dean Pound, in his paper from which I have quoted, listed the states with active judicial councils, he did not name Kentucky as one of them.

If our own council is not functioning as effectively as it should, when compared with what others are doing, what may be done with fair prospect of making it more efficient? For the purpose of initiating and studying proposals for the improvement in the administration of our courts, of their procedure and practice, the present set-up of this organization is unwieldy. As we have seen, we have the largest membership of all the councils. Now if we could have an executive committee, composed of a few of its members, to study and determine those matters upon which the council at each session should concentrate its attention and consideration, arranging the program a sufficient time before the council's session to afford ample time for full preparation, that, it seems to me, would give promise of greater accomplishments by this organization. In some of the councils, this is the practice, and it has been found very helpful in enabling the councils to do their appointed work effectively.

The secretary of the council is in no small degree responsible for the manner in which it functions. The council can not accomplish what is rightly expected of it unless, for one thing, it keeps abreast of what is being done by other councils, of the studies being made by them and by the law schools of the country, and by the American Bar Association, looking to the improvement of our laws. To the office of the secretary of all of the councils publications presenting this work and these studies come regularly throughout the year. So through the office of the secretary all of this significant literature is made available to this council and its members. This would be of most valuable assistance to such an executive committee in mapping out each year the work for the council. At this point, it is pertinent to insert what Mr. Robert G.

Dodge, of the Boston bar, in giving an account of what had been accomplished by the Massachusetts council, said relative to the secretary of such a body:

> "Another absolutely essential feature of such a board is an active and diligent secretary. Ordinarily, I am satisfied that he should be paid a substantial salary, as he will have much to do, and upon the way in which he does it the success of the council will in large part depend."

If, as Mr. Morris was informed, when, judges serve alone on a council they lack the energy for sustained attack in getting the council's recommendations adopted, then it is appropriate to consider whether we should seek a change in the composition of our council. And our experience indicates clearly enough that such a change is desirable. You who have been on the council for several years are aware that from time to time we have had trouble in getting the legislature consider the council's recommendations. This has largely resulted from our not having some one on hands, during the legislative session, actively in charge of these proposals, and seeing to their being taken up and considered by the legislature. We should not expect, nor desire, the judges of the Court of Appeals to do this. Nor can the circuit judges leave their courts and come to Frankfort to take charge of the council's proposals. The remedy for this situation must be found, however, if the council is to get things done, as contrasted with merely making recommendations.

If we had on our council members of the current legislature, whether lawyers or laymen, it would be decidedly helpful in getting this consideration. Having heard the discussions in the council regarding the proposals, taking part in them themselves, thus getting a background of information as to the propriety and desirability of their being enacted, these legislators would be able to present the matters to that body in such a manner as to throw off legislative inertia and, too, to combat more effectively than is now the case opposition to favorable action. As we have seen from the studies of

both Dean Pound and Mr. Morris, this seems to have been the experience of those councils that do contain members of the legislature. Of course, the statute setting up the judicial council will have to be modified, to admit them to membership. If they were not made actual members, the council could invite them to its meetings, with the privilege of taking part in the discussions.

As Mr. Morris points out, in some of the states it is provided that members of the law faculty of their state university shall be members of the council. I think we should avail ourselves of the services of one or more of the professors of law at the University of Kentucky, either as active or associate members. They belong to that department or branch of our profession that in recent years has made outstanding contribution to law reform. No other group probably has been as effective in that as they. Their education, their training, their equipment and facilities for study and research cause their services to be sought after not only in academic fields, but in the practical affairs of the world. Today, there sit on the Supreme Court of the United States four former professors of law, one of them being the Chief Justice. To name a few more, Judges Clark, Goodrich, Dobie, and Justin Miller, of the second, third, fourth circuit court of appeals, and the court of appeals of the District of Columbia, respectively, were law professors when appointed to the bench. These considerations should impress upon us the importance of enlisting the active co-operation, by some means, of our own law professors in the work of this council.

So much for the manner of organization of our council, and the bearing it may have on the council's effectiveness. But whatever the imperfections in its constitution, that does not relieve us of the duty of striving to bring about improvement in the administration of justice. And this brings me to the consideration of some specific proposals to that end.

Reference has been made to the statement in the Foreword in the Handbook for 1941 of the National Conference of Judicial Councils that one of the milestones marking the development in recent years of legal reform was the recom-

mendations of the American Bar Association in 1938. A little later, I shall speak of some of those recommendations and of the desirability of having some of them enacted. Just here, however, I shall ask your attention concerning several proposals that, it appears to me, ought to be adopted and recommended by this body, and that relate specifically to Kentucky procedure and practice.

Section 241 of our Criminal Code provides that a conviction cannot be had upon the testimony of an accomplice, unless corroborated by other evidence tending to connect the defendant with the commission of the offense; and the corroboration is not sufficient if it merely shows that the offense was committed, and the circumstances thereof. As an instruction must be given, where an accomplice is a witness against a defendant, substantially in the language of this section, the question has to be submitted to the jury in such form as readily to confuse the average juror. I give you an instance. Several years ago, I had to give this instruction in a case where the testimony of the accomplice was clear and direct to the effect the defendant was guilty. There was no eye witness, other than the accomplice. But there was plenty of circumstantial evidence pointing to defendant's guilt. He was acquitted. Afterwards one of the jury told me that as the jury understood this instruction, they could not convict if it required that they consider the accomplice's testimony in order to reach that verdict; the circumstances presented strongly indicated his guilt, but they were not willing to convict on that alone. Prof. Wigmore sharply criticises this rule. He traces its origin back to England when, under the incidents of a common law trial, the judge would caution the jury as to the weight to be given the testimony of an accomplice, and he states that as this power of the judge was in this country withdrawn from the judge, then the various legislatures took the caution of the judge and made it into an inflexible rule of law, whereas under the common law practice the jury did not have to accept the judge's caution as to the weight he thought they should give such testimony. Commenting he states:

> "It may be noted, also, that the legislative creation of a rule of law, by introducing detailed refinements of

definition to be applied by the jurors, has merely tended to confuse them with a sound of words, and to place in the hands of counsel a set of juggling formulas with which to practice upon the chance of obtaining a new trial." (Wigmore on Evidence, 1st ed., Vol. III, sec. 2057)

After all, it is hard to reconcile such a rule absolutely prohibiting the jury considering testimony unless there is the prescribed corroboration with their being the triers of the facts. Our system of trials assumes that the jury is competent to give due weight to the testimony, to consider its sources, to take into view the likelihood of bias or favor or other unfair motive actuating the witness, and to accord to the testimony the value they think it worth. Why, then, when a witness happens to be an accomplice should the assumption be made that the jury is unable to take that face into consideration and appraise his testimony accordingly? The section should be repealed. It is my recollection that several years ago the council made this recommendation, but for some reason the legislature did not act upon it.

Section 237 of the Criminal Code reads:

"If two or more defendants be jointly indicted for a felony, any defendant is entitled to a separate trial."

Under this section, as each of us has seen repeatedly demonstrated in practice, a defendant as a matter of right may demand severance, no matter if there could by no chance be any prejudice done him by reason of a joint trial being had. As a result, as it has come under my observation many times, the court has to have its time taken up with two, sometimes three or four, trials, with all the incident expense, when there was no just reason why one would not have secured for each of them a fair trial. All a defendant is reasonably entitled to in this respect is a severance if it appears that a joint trial might be prejudicial to him. By the Federal Rules of Criminal Procedure, recently adopted, the court may order two or more indictments to be tried together if the defendants and the offenses could have been joined in a single indictment, with the further provision that the court may order severance if it appears that either the government or a defendant would

be prejudiced by a joint trial. It will be noticed that this federal rule goes further than would our Code in event it required, as now proposed, that where defendants are jointly indicted, charged with a felony, their trial should be joint, unless it appear that this would be to the prejudice either of the prosecution or of any of the defendants.

Rule 16 of the Federal Rules of Criminal Procedure provides that in event a defendant proposes to offer testimony in the nature of an alibi, he may make a motion to require the attorney for the government to file before trial a statement showing with particularity the time and place of the commission of the offense charged. If this is sustained, the court fixes the time within which these specifications must be filed. Upon the statement being filed, then the defendant must file a statement showing just where he was at the time specified by the government. Provision is made as to the time before the trial these respective steps should be taken. If a defendant offers on the trial evidence of alibi, but without having complied with these requirements, the court may exclude the testimony, unless it finds the failure to do so was excusable, or its admission in the interest of justice. I suggest that this council propose a bill of somewhat similar nature. It is not infrequently true that a defendant, having carefully masked his defense, on the trial, to the surprise of the Commonwealth, undertakes to show that at the time the crime was committed he was somewhere else, and by reason of this element of surprise the Commonwealth is unable to make any investigation to learn the truth of the alibi. That may reveal trial tactics of a very effective kind, so far as the defendant is concerned, but most assuredly it is not conductive to ascertaining the truth or the attainment of justice.

Coming now to the recommendations of the American Bar Association of 1938, there are various ones, all more or less important, but within the limits of this paper, only two of them will be given.

One of these deals with the rule excluding a survivor's testimony where he is an interested party as to transactions with a deceased person. That is the situation covered by

section 606, sub. sec. 2, of our Civil Code. That rule has been firmly imbedded in our practice, and seems to have such justification for its existence,—phrased generally, that as death has sealed the lips of one, the law will close the mouth of the other,—instinctively we are inclined to go to its defense when thus assailed. But this recommendation does not stop with permitting the survivor to testify. It also allows the introduction in evidence of declarations of the decedent, provided it is found by the trial judge that these declarations were made in good faith and on the personal knowledge of the decedent. In justification for the abolition of the present rule on the subject, the committee that made the recommendation, consisting of some of the outstanding attorneys, judges and law professors of the country, had this to say:

> "There remains today in our law only one relic of the long abolished disqualification of interested persons as witnesses, viz., the prohibition of the survivor of a transaction with a person now deceased to give evidence against the deceased's representative. This rule in various forms prevails in the great majority of the states. Of late years it has often been reproached as an anachronism and an obstruction to truth,—partly on the ground that its inherent details are highly technical and have no relation to the psychology, and partly on the ground that it obstructs honest claims as often as it defeats unjust claims."

The committee, furthermore, stated that this recommendation was in part based upon a report gathered from many judges and lawyers in the state of Connecticut where there has been for many years a similar rule permitting such testimony, including the declarations of the decedent. They were circularized with questionnaires as to whether in their experience with this rule in the practice there it caused injustice or really aided in the ascertainment of the truth. Of the judges questioned, 89% favored the Connecticut rule; so did 84% of the attorneys who had had experience with it in a substantial number of cases, while 60% of those who had some experience with it in practice were favorable to it.

This rule of exclusion is a survival of former times when an interested person was not permitted to testify. Why? For fear of perjury. There are very few of these exclusionary rules in Kentucky. Perhaps the present one is invoked more than any other. As students of the principles of evidence point out, if a person be of the perjurer type, he will not likely be thwarted because forbidden to testify as to what he claims took place between him and decedent. If he is willing to commit perjury to maintain his cause, and is himself not permitted to testify as to those matters, he will test his resources in getting the needed witness. On the other hand, if the survivor is honest, this rule prevents the truth being shown. If the bars are let down, permitting him to testify, and permitting also the good faith declarations of the decedent, made upon personal knowledge, to be testified to, advantage would hardly lie with the living declarant, as the jury, considering human nature, would probably scrutinize the more closely the survivor's testimony. Professor Morgan, Dean of Harvard Law School, makes this comment regarding exclusionary rules of evidence:

> "Some of the deformities in that law (that of evidence) are due to the obsession of early judges and of earlier and later legislators, that perjury can be prevented by exclusionary rules. This was the notion back of the numerous common law rules which disqualified witnesses. It is the notion that is constantly urged against expansions to the hearsay rule. It exhibits itself in the curious decisions in some states that a witness may not testify to his own past or present state of mind. If there was ever a time when exclusionary rules prevented perjury, that time has long since passed. Given a witness willing to commit or suborn perjury, and complaisant counsel, no exclusionary rule will deter them. The witness will be competent; the testimony put into his mouth will comply with the strictest requirements of the law of the forum in which it is offered; he will swear up to the pertinent head note. Only the honest litigant will be deprived of the benefit of the persuasive evidence. No rational code will contain an exclusionary rule resting on its supposed efficiency to hinder or prevent false testimony."

The next recommendation of the American Bar Association deals with a subject of much importance to the bench, bar, and general public. It is, that the trial judges in jury cases should have restored the power the judges had in such cases at common law. In any discussion of this recommendation, we must keep in mind just what is meant by the power of the common law judges in jury trials—in their conduct of the trials. It has been defined may times by the Supreme Court of the United States, as well as by courts of the various states, but perhaps the statement most often quoted is that from Capital Traction Co. vs. Hof, 174 U. S., I, in which that court defined that power in this language:

> "'Trial by jury,' in the primary and usual sense of the term, at the common law and in the American constitutions, is not merely a trial by a jury of twelve men before an officer vested with authority to cause them to be summoned and impaneled, to administer oaths to them and to the constable in charge, and to enter judgment and issue execution on their verdict; but it is a trial by a jury of twelve men, in the presence and under the superintendence of a judge empowered to instruct them on the law and advise them on the facts, and (except on an acquittal of a criminal charge) to set aside their verdict if in his opinion it is against the law or the evidence. This proposition has been so generally admitted and so seldom contested, that there has been little occasion for its distinct assertion. Yet there are unequivocal statements of it to be found in the books."

Section 7 of our constitution reads:

> "The ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this constitution."

In Wendling v. Commonwealth, 143 Ky., 587, the court, speaking through Judge Carroll, in determining the significance of the phrase "The ancient mode of trial by jury", quoted with approval the excerpt just used from the opinion of the Supreme Court.

I realize that any suggestion that the circuit judges of this state be permitted once more to exercise the powers of a

trial judge at common law is likely to provoke much opposition from the bar. I do not mean all of the bar will be in opposition; but I do think a decided majority of them will be. But I am not making the suggestion on behalf of the bar. I am making it on behalf of the public, for I am firmly convinced that one of the worst obstacles to the sound administration of justice in this state is the extremely limited powers of the trial judge. It is idle to quibble over terms or phrases, but it is true that a trial judge in Kentucky today in our state courts is but little more than a referee or moderator. As one of my predecessors on the bench, and now deceased, once remarked to me, a circuit judge is like a muzzled dog at a dog fight. The description is homely, but it is at least vivid. How often as judge presiding at a trial have I been impressed with the impotence of the judge to help the jury in their duties. All he can do is to see that the contest is carried on according to the rules, that the sheriff maintains order in the court room, that the proceedings are conducted with some dignity, and that he manages to hold himself aloof from the trial just as thoroughly as humanly possible. As often commented, a trial is supposed to be a proceeding for the purpose of ascertaining the truth of the controversy and doing justice in the matter, yet the one person who is experienced in the law and the trials of suits, and who is disinterested, is not permitted to render any aid to the jury. Whatever assistance they receive must come from the partisans in the contest.

But while I am satisfied that the majority of the attorneys will probably regard such a change with disfavor, I am just as well satisfied that the public will favor it. I reach this conclusion from talks I have had with the general public about our mode of trials, and in particular with jurors. They would be glad to have the assistance thus assured them. Nor can they understand why it should be withheld. They can not understand why the judge must be as dumb as an oyster. Denied the benefit of any assistance from the judge, in this respect, they are sent to their room with the law set forth in instructions so abstract, so condensed, so phrased in legal jargon, and frequently so involved, that really to believe they will give much heed to them is to indulge a hope, or be possessed by a fear, that is contrary to human nature.

That depriving the trial judge in jury trials of the power the trial judge had at common law resulted not merely in a loss of power on the part of the judge, but lessened the efficiency of jury trials, is the considered judgment of students of our courts, of law writers, and of publicists. Time permits reference only to a few of these.

In its report, "The Judiciary of Kentucky", presented in 1923, the Efficiency Commission called attention to the circuit judges having been shorn of this power, and deplored it, pointing out some of the unfortunate results. Speaking of this and also of the fact the legislature, instead of leaving the matter of rules of procedure to the courts, put them in statutory form, that report observes:

> "Whatever other effect these departures from the earlier practice may have had, it is obvious that they reduced the power of the judge and exalted the power of the jury, the bar, and the legislator. It is obvious, also, that this limitation of judicial freedom reduced the responsibility of the judge. Under many conditions, the law left him no discretion. He became in some situations little more than an automaton who could not adapt the procedure of justice to the needs of the particular case."

Dean Wigmore condemned this impairment of the judge's trial role as "an unfortunate depature from the orthodox common-law rule, and has done much to introduce fruitless quibbles and to impair the general efficiency of jury trial as an instrument of justice." (Wigmore on Evidence, 1st. Ed., Vol. IV, sec. 2551.)

In an address some years ago before the Missouri Bar Association, in 1927, Dean Pound, contrasting the power of the trial judge at common law and that which he may exercise, in most of the states, today, declared:

> "We have turned the judge into a mere umpire; we have tied him down so as to prescribe in advance everything he should do and how he should do it, except the peg on which he should hang his hat."

In his address before the American Bar Association in 1916, Mr. Elihu Root said:

> "Why is it that by statutory provisions the only advice, the only clarifying opinion and explanation regarding the facts which stand any possible chance to be unprejudiced and fair in the trial of a case are excluded from the hearing of the jury?"

And he answered that question, saying that the reason actuating those who would keep from the trial judge this power to clarify and explain to the jury the facts developed upon the trial, was to silence the voice of the one person at the trial who was supposed to be competent and absolutely impartial,—that their motive was to make litigation a mere sporting contest between lawyers. Now that is pretty sharp criticism of those who would prevent restoration of this common law power to trial judges; but it is criticism from the very head of the American bar.

They who oppose our circuit judges having this power urge that the judge would so dominate the jury that the latter would be but figure heads on the trial. That argument, I submit, misconceives the actual power the judge would have. An excellent summary of the characteristics of the charge to the trial jury at common law, as illustrated in our federal courts, is given by Judge Merrill E. Otis in the American Bar Association Journal for December, 1941. At that time, and for many years before that, he was judge of the federal district court for the western district of Missouri. He was active in the proceedings of the Association, and in season and out, by the printed and spoken word, he labored in the cause of having restored to the trial judges their common law powers in those states where it had been taken from them. With regard to that feature of the charge relating to the evidence, he said:

> "The charge presents the applicable principles of law, not as abstract propositions couched in legal terminology, but as rules related to the particular issues involved in the case on trial. The charge sets out what are the really controverted issues of fact, and—of equal importance—what are not really controverted issues. The judge may —sometimes he does—review and summarize the evidence. The judge may, almost never he does, give his opinion touching the credibility of a particular witness;

> the judge may, almost never he does, express his opinion as to how some particular issue of fact should be decided. It is this last characteristic, this power which is so rarely exercised, which one, taking the narrow view, might speak of as 'comment on the evidence'. ''

To this should be added that the judge in his charge must make it clear to the jury, if he expresses an opinion upon the testimony, that it is but his opinion, that it is not binding upon them, that all questions of fact are for them to decide. (Quercia v. U. S., 289 U. S. 466, 53 Sup. Ct. Rep., 698.)

Taking up the proposition of whether this power of commenting upon the evidence had been abused by the federal judges, Judge Otis stated that he had made an examination covering a ten year period, from 1924 to 1934, of the reports or trials in jury cases in the federal district courts. In that period, there were 82485 criminal trials, and appeals in 3203 of these. In only 76 of these appeals was there any exception to the judge's charge with reference to the evidence, and in only 28 were there reversals because of unfair comment. In that same period, there were approximately 80,000 jury trials in civil cases, with 1645 appeals, and in only eleven cases did the appellate court hold unfair the trial judge's charge as to the evidence. This study of Judge Otis, considering the time covered and the number of cases involved, is convincing that this power is not abused by the trial judges in the federal courts.

But it is said by those opposing the restoration of this power to the circuit judges, that the latter are not competent to have such power entrusted to them. It is not meet, particularly at this time and place, that I should enter the lists in defense of the competency of my brethren of the bench and of myself to have this power. But I do say this, that then, as now, would be the right of appeal and review of errors. And if it is true, as declared by the Efficiency Commission, that the reduction in power of the judicial office brought with it a lessened sense of responsibility on the part of the judge in the conduct of the trials, is it not reasonable to believe that the restoration of this power would bring with it a quickened sense of judicial responsibility for the manner in which the trial is conducted, and for the results reached?

WORK OF THE CIRCUIT COURTS
July 1, 1943 to July 1, 1944

District	No. Jury Trials	Equity Cases Disposed	Total Cost Petit Jury	Average Cost per Jury Trial	Total Cost Grand Jury
1st					
Ballard	None	61	$ 186.00	—0—	$ 126.00
Carlisle	4	17	237.00	$ 59.25	215.00
Fulton	14	97	204.00	14.28	288.00
Graves	22	212	438.00	19.91	252.00
Hickman	1	28	192.00	192.00	136.00
2nd					
Marshall	17	64	907.00	53.35	296.00
*McCracken					
3rd					
*Calloway					
*Christian					
*Lyon					
Trigg	7	37	1,186.00	169.43	321.00
4th					
Caldwell	28	69	1,183.00	42.25	261.00
Crittenden	5	55	545.00	19.00	225.00
Hopkins	37	202	1,101.00	29.76	360.00
Livingston	25	63	2,167.00	86.68	353.00
5th					
Henderson	27	201	1,071.00	39.66	406.00
*Union					
Webster	35	102	441.00	12.60	327.00
6th					
Daviess	44	322	1,536.00	34.91	363.00
*Hancock					
*McLean					
7th					
Logan	12	167	410.00	34.17	214.00
Simpson	10	51	315.00	31.50	220.00
*Todd					
8th					
Allen	22	63	1,143.00	51.95	408.00
Warren	....	310	1,600.00	.....	732.00

* No Report.

WORK OF THE CIRCUIT COURTS—Continued
July 1, 1943 to July 1, 1944

District	No. Jury Trials	Equity Cases Disposed	Total Cost Petit Jury	Average Cost per Jury Trial	Total Cost Grand Jury
9th					
Breckinridge	22	65	1,474.00	67.00	252.00
Grayson	24	53	1,368.00	57.00	374.00
Hardin	63	90	2,246.00	35.50	434.00
Meade					
10th					
Barren	26	134	848.00	32.61	396.00
*Bullitt					
Hart	19	92	967.00	50.89	360.00
Larue	12	33	598.00	49.83	216.00
*Metcalfe					
*Nelson					
11th					
Green	15	22	406.00	27.06	609.00
Marion	21	35	763.00	36.33	469.00
*Taylor					
Washington	8	20	450.00	56.25	306.00
12th					
Anderson	6	20	654.00	19.00	168.00
Henry	11	73	216.00	19.63	159.00
Oldham	31	39	865.00	27.90	234.00
*Shelby					
Spencer	7	20	330.00	47.14	204.00
Trimble	1	19	336.00	336.00	171.00
13th					
Boyle	47	45	726.00	15.44	252.00
*Garrard					
Lincoln	....	52	1,187.24	.....	360.00
Mercer	37	61	1,128.00	30.48	252.00
14th					
Bourbon	12	85	912.00	76.00	269.00
*Franklin					
Scott	19	47	762.00	40.10	354.00
Woodford	20	44	633.00	31.65	273.00
15th					
*Boone					
*Carroll					

* No Report.

WORK OF THE CIRCUIT COURTS—Continued
July 1, 1943 to July 1, 1944

District	No. Jury Trials	Equity Cases Disposed	Total Cost Petit Jury	Average Cost per Jury Trial	Total Cost Grand Jury
*Gallatin					
Grant	6	....	1,241.00	206.83	354.00
*Owen					
16th					
Kenton	....	607	4,062.00	.....	1,008.00
17th					
Campbell	80	408	8,647.00	108.08	1,008.00
18th					
Harrison	16	62	861.00	53.81	291.00
Nicholas	5	23	392.00	78.40	213.00
Pendleton	9	49	834.00	92.66	246.00
Robertson	0	**	**	.....	.....
19th					
Bracken	4	46	483.00	120.75	250.00
Fleming	13	12	1,459.00	112.23	339.00
*Mason					
20th					
Greenup	18	119	3,298.40	183.24	650.00
Lewis	17	74	636.00	37.41	302.00
21st					
*Bath					
*Menifee					
Montgomery	32	80	1,515.00	47.34	288.00
Rowan	17	95	1,989.00	117.00	432.00
22nd					
Fayette	241	560	3,057.00	12.68	681.00
23rd					
Estill	152	72	2,934.00	19.30	684.00
*Lee					
Owsley	34	33	2,474.00	72.76	648.00
24th					
*Johnson					
Martin	19	121	3,205.96	168.73	972.00

* No Report.
** Report Incomplete.

WORK OF THE CIRCUIT COURTS—Continued
July 1, 1943 to July 1, 1944

District	No. Jury Trials	Equity Cases Disposed	Total Cost Petit Jury	Average Cost per Jury Trial	Total Cost Grand Jury
25th					
Clark	41	104	1,185.00	28.90	252.00
Jessamine	11	26	495.00	45.00	209.00
Madison	25	107	2,603.00	104.12	360.00
Powell	43	21	1,059.00	24.63	218.00
26th					
Bell	80	635	5,279.12	65.99	552.00
*Harlan					
27th					
*Clay					
Jackson	28	56	2,052.00	73.28	792.00
Laurel	73	117	8,564.00	117.31	864.00
28th					
Clinton	10	12	1,449.00	144.90	626.00
Pulaski	94	186	5,346.00	56.87	999.00
Rockcastle	29	75	2,173.00	74.93	506.00
Wayne	40	55	2,031.00	50.77	794.00
29th					
*Adair					
*Casey					
Cumberland	56	41	1,288.00	23.00	540.00
Monroe	34	44	1,873.00	55.09	648.00
*Russell					
30th					
Jefferson	901	2916	.....	.....	4,620.00
31st					
*Floyd					
*Knott					
32nd					
Boyd	117	351	4,888.00	41.77	648.00
Lawrence	43	41	2,262.00	52.60	648.00
33rd					
*Leslie					
Perry	101	124	8,860.96	87.73	1,134.00

* No Report.

WORK OF THE CIRCUIT COURTS—Continued
July 1, 1943 to July 1, 1944

District	No. Jury Trials	Disposed Equity Cases	Total Cost Petit Jury	Average Cost per Jury Trial	Total Cost Grand Jury
34th					
Knox	47	272	7,542.00	160.47	1,053.00
McCreary	70	83	4,755.36	67.93	1,282.00
Whitley	....	92	8,772.00	.....	1,290.00
35th					
*Letcher					
Pike	118	668	7,943.00	67.31	669.00
36th					
*Breathitt					
*Magoffin					
*Wolfe					
37th					
*Carter					
*Elliott					
*Morgan					
38th					
Butler	None	23	162.00	.....	252.00
Edmonson	3	28	257.00	85.66	278.00
Muhlenberg	26	161	593.00	22.81	298.00
*Ohio					

* No Report.

WORK OF THE CIRCUIT COURTS—Continued
July 1, 1944 to July 1, 1945

District	No. Jury Trials	Equity Cases Disposed	Total Cost Petit Jury	Average Cost per Jury Trial	Total Cost Grand Jury
1st					
Ballard	5	76	$ 357.00	$ 71.40	$ 219.00
Carlisle	1	23	342.00	342.00	198.00
Fulton	19	90	582.00	30.63	342.00
Graves	17	202	666.00	39.18	368.00
Hickman	4	26	409.12	102.28	276.00
2nd					
Marshall	8	53	373.00	46.87	324.00
*McCracken					
3rd					
Calloway	16	65	786.00	49.12	297.00
*Christian					
Lyon	5	27	447.00	89.40	418.00
Trigg	14	28	321.00	22.86	318.00
4th					
Caldwell	33	75	483.00	14.63	261.00
Crittenden	6	36	354.00	59.00	213.00
Hopkins	35	116	1,182.00	33.76	360.00
Livingston	15	40	723.00	48.20	333.00
5th					
Henderson	30	164	1,482.00	49.40	330.00
Union	19	143	1,182.00	62.21	243.00
Webster	20	107	756.00	37.80	324.00
6th					
Daviess	29	341	1,635.00	56.38	444.00
*Hancock					
*McLean					
7th					
Logan	16	.....	.....	.....	117.00
Simpson	3	55	330.00	110.00	192.00
Todd	21	46	501.00	23.81	219.00
8th					
Allen	15	77	729.00	48.60	368.00
Warren	113	346	3,050.00	27.00	576.00

* No Report.

WORK OF THE CIRCUIT COURTS—Continued
July 1, 1944 to July 1, 1945

District	No. Jury Trials	Equity Cases Disposed	Total Cost Petit Jury	Average Cost per Jury Trial	Total Cost Grand Jury
9th					
Breckinridge	17	58	1,011.00	59.47	195.00
Grayson	22	45	1,373.00	62.41	258.00
Hardin	56	145	2,409.00	43.01	324.00
Meade	6	12	564.00	94.00	144.00
10th					
Barren	33	154	1,146.00	43.00	438.00
Bullitt	11	48	609.00	55.35	324.00
Hart	15	63	483.00	32.20	216.00
Larue	15	57	1,125.00	71.70	324.00
*Metcalfe					
*Nelson					
11th					
Green	15	16	777.00	51.80	285.00
Marion	23	34	1,010.00	43.91	421.00
*Taylor					
Washington	8	40	531.00	66.37	402.00
12th					
Anderson	11	23	856.00	77.82	249.00
*Henry					
Oldham	30	20	997.00	33.20	360.00
Shelby	.....	27	789.00	.....	180.00
Spencer	6	16	312.00	52.00	138.00
Trimble	1	28	303.00	303.00	162.00
13th					
Boyle	57	63	993.00	17.42	252.00
*Garrard					
Lincoln	32	47	1,283.00	40.09	324.00
Mercer	24	80	1,513.00	63.04	288.00
14th					
Bourbon	18	93	774.00	43.00	312.00
Franklin	26	162	1,536.00	59.08	423.00
Scott	12	67	600.00	50.00	288.00
Woodford	13	74	612.00	47.08	378.00
15th					
*Boone					
*Carroll					

* No Report.

WORK OF THE CIRCUIT COURTS—Continued
July 1, 1944 to July 1, 1945

District	No. Jury Trials	Equity Cases Disposed	Total Cost Petit Jury	Average Cost per Jury Trial	Total Cost Grand Jury
Gallatin	3	6	704.00	234.66	177.00
Grant	5	15	1,173.00	234.60	163.00
*Owen					
16th					
Kenton	.....	708	4,518.00	.....	836.00
17th					
Campbell	75	476	7,287.00	97.16	880.00
18th					
Harrison	11	69	675.00	61.36	222.00
Nicholas	6	31	519.00	86.50	225.00
Pendleton	8	34	302.00	37.75	262.00
Robertson	.....	10	222.00	.....	147.00
19th					
Bracken	9	80	884.00	98.22	294.00
Fleming	20	29	1,248.00	62.40	447.00
Mason	.....	200	1,800.00	.....	534.00
20th					
Greenup	28	47	2,655.00	94.84	616.00
Lewis	7	90	522.00	74.57	216.00
21st					
*Bath					
Menifee	9	15	504.00	56.00	504.00
Montgomery	22	89	1,193.00	54.23	288.00
Rowan	24	75	2,242.32	93.47	504.00
22nd					
Fayette	264	575	2,889.00	10.94	648.00
23rd					
Estill	131	62	3,394.00	25.98	684.00
*Lee					
Owsley	67	17	2,558.00	38.18	648.00
24th					
Johnson	45	95	5,374.00	119.42	974.00
Martin	45	83	3,126.00	69.46	972.00

* No Report.

WORK OF THE CIRCUIT COURTS—Continued
July 1, 1944 to July 1, 1945

District	No. Jury Trials	Equity Cases Disposed	Total Cost Petit Jury	Average Cost per Jury Trial	Total Cost Grand Jury
25th					
Clark	35	76	1,482.00	42.34	252.00
Jessamine	8	23	621.00	77.62	279.00
Madison	33	143	2,376.00	72.00	306.00
Powell	15	59	705.00	47.00	182.00
26th					
Bell	92	397	5,768.00	62.69	612.00
*Harlan					
27th					
Clay	94	97	5,162.00	54.90	1,083.00
Jackson	41	67	2,108.00	51.41	792.00
Laurel	60	248	4,313.00	71.88	867.00
28th					
Clinton	18	16	1,200.00	66.66	516.00
Pulaski	111	139	4,519.00	40.71	942.00
Rockcastle	53	189	1,813.08	34.21	468.00
Wayne	28	60	2,382.00	85.07	828.00
29th					
Adair	14	57	1,083.00	77.36	567.00
Casey	21	52	1,948.00	92.76	648.00
Cumberland	46	25	1,082.00	23.52	612.00
Monroe	20	52	1,339.00	66.95	612.00
*Russell					
30th					
Jefferson	1008	2818	33,654.00	33.38	4,449.00
31st					
*Floyd					
*Knott					
32nd					
Boyd	63	406	4,656.00	73.85	792.00
Lawrence	26	49	1,890.00	72.69	648.00
33rd					
Leslie	75	60	4,752.00	63.36	922.00
Perry	163	106	6,591.00	40.43	1,167.00

* No Report.

WORK OF THE CIRCUIT COURTS—Continued
July 1, 1944 to July 1, 1945

District	No. Jury Trials	Equity Cases Disposed	Total Cost Petit Jury	Average Cost per Jury Trial	Total Cost Grand Jury
34th					
*Knox					
McCreary	67	154	4,392.00	65.55	1,191.00
Whitley	117	179	7,738.58	66.14	1,311.00
35th					
Letcher	90	142	3,582.00	39.80	960.00
Pike	98	284	8,166.36	83.35	693.00
36th					
*Breathitt					
*Magoffin					
Wolfe	42	91	2,475.00	58.93	540.00
37th					
*Carter					
*Elliott					
*Morgan					
38th					
Butler	4	35	168.00	84.00	.....
Edmonson	12	21	591.00	49.25	262.00
Muhlenberg	27	128	960.00	35.55	432.00

* No Report.

Mr. Howell moved that the vote by which the motion as made by Mr. J. Lee Moore that when the House adjourns today, it adjourn to meet again on Monday, March 18 at eight o'clock p. m.

Be reconsidered.

Said motion was disagreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 368. An Act authorizing fiscal courts to establish a land and building fund for purpose of acquiring land, etc.

Said bill is as follows, viz.:

SECTION I. *Be it enacted by the General Assembly of the Commonwealth of Kentucky* that the Fiscal Court of any County is hereby authorized and empowered to established a fund to be designated and known as a land and building fund and to set aside in said fund and acquire therein from year to year funds for the purpose of acquiring lands and improving same, and for the erection, maintaining, improving and reconstruction of necessary buildings and other improvements for the use of such county; such fund to be a permanent fund as herein provided.

SECTION II. The Fiscal Court of such county whenever it shall so determine may use the monies in such fund to acquire and purchase such lands as it may see fit, and in such manner and at such places in said County as it may see fit, title thereto being in the name of such County and may erect such improvements on said or other lands as said Court may deem necessary and proper for the use of such County.

SECTION III. The Fiscal Court at the time of fixing the rate of the tax levies for said County may fix a tax levy to be part of and included in the general fund levy, the amount realized from such levy to be set aside for and become part of such building fund, but in no event shall said fund become a part of the general revenue fund of the County under the provisions of KRS 68.120.

SECTION IV. All monies in said fund shall be kept as other County funds, but shall be invested under the supervision of said Fiscal Court only in obligations of the United States Government.

SECTION V. Such Fiscal Court shall have the power upon the approval of the majority of the members thereof to receive any funds by gift or devise to be placed in and become part of such building fund upon such terms and conditions as such members shall deem proper.

SECTION VI. Nothing contained in this Act shall be construed as affecting or limiting the right of any County to acquire lands or to improve lands, erect or maintain, or reconstruct buildings as is otherwise authorized by law.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Harold G. Helm	E. C. Mullins
F. O. Baker	E. R. Hilton	Sylvester Phillips
F. H. Bassett, Jr.	Clyde S. Howard	L. W. Preston
W. G. Biggers	Maurice Howard	E. F. Prichard
Jack Bingham	Jerry F. Howell	Kelse H. Risner
B. J. Bonn	Ira W. Hulette	Luther Slusher
John Y. Brown	Paul Jonas	Forrest Smith
Chas. W. Burnley	L. H. Jones	E. A. Spencer
W. K. Coleman	B. F. Kincaid	Paul J. Stapleton
L. A. Demumbrun	Homer E. Losey	Ralph G. Stone
E. R. Denny	A. L. Love	E. L. Thompson
Adron Doran	H. K. Lowman	Ray G. Tipton
G. I. Drury	E. J. Lucas	E. N. Todd
Eck Embry	Harry L. Moore	Walter L. Trivette
Tom Gilliam	J. Lee Moore	Morris Weintraub
M. B. Gilligan	Joe T. Morgan	John Wilborn

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Those who voted in the negative were—

Harold L. Barnes	Louis T. Peniston	Harry F. Walters
Rodes K. Myers		

—4

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 311. An Act relating to Soil Conservation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 262.260 KENTUCKY REVISED STATUTES, 1944 (Second Edition) be and the same is hereby repealed, amended and reenacted so that when reenacted same shall read as follows:

262.260 (42:-7) BOARD AND CITY ALDERMEN AND/OR COUNTY FISCAL COURT MEMBERS MAY CONFER AND PARTICIPATE.

1. The Board may by resolution invite the legislative body of any city and/or administrative body of any county (Fiscal Court) in which the district is located or nearby, to select a representative to consult with the board of the district on all questions of program and policy which may affect the property, water supply, or other interest of the city or county, and to request by resolution that said city and/or county participate wholly or partially in any expense attendant to the execution of any program and/or policy setting forth in said resolution all details of the program and/or policy together with an estimated annual cost. Should said legislative body approve said program and/or policy, it may expend funds out of its respective tax levy to assist in said program and/or policy.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	F. H. Bassett, Jr.	B. J. Bonn
Harold L. Barnes	W. G. Biggers	John Y. Brown

W. K. Coleman	L. H. Jones	Luther Slusher
L. A. Demumbrun	Homer E. Losey	E. A. Spencer
Adron Doran	H. K. Lowman	Paul J. Stapleton
G. I. Drury	E. J. Lucas	Ralph G. Stone
Eck Embry	F. G. Marquette	Ray G. Tipton
M. B. Gilligan	Jack McPherron	E. N. Todd
Harold G. Helm	J. Lee Moore	Walter L. Trivette
E. R. Hilton	Joe T. Morgan	S. J. Wagner
Clyde S. Howard	E. C. Mullins.	Morris Weintraub
Maurice Howard	Sylvester Phillips	Lawrence Wells
Jerry F. Howell	E. F. Prichard	John Wilborn
Ira W. Hulette	Kelse H. Risner	Mr. Speaker
Paul Jonas		—43

Those who voted in the negative were—

F. O. Baker	A. L. Love	L. W. Preston
Chas. W. Burnley	Harry L. Moore	Forrest Smith
Tom Gilliam	Rodes K. Myers	E. L. Thompson
J. J. Huff	Louis T. Peniston	Harry F. Walters
Edgar Kitchen		—13

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. J. Lee Moore moved that the Rules of this House be suspended for the purpose of offering a resolution.

Said motion was agreed to.

Thereupon, Mr. J. Lee Moore offered the following resolution, viz.:

H. Res. 116. Resolution in behalf of Edward F. Prichard.

Said resolution is as follows, viz.:

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the remarks made by Mr. Hoshal against the personal integrity of Edward F. Prichard, Sr. and the members of his famliy are wholly without foundation and they are resented by this Body, and,

BE IT FURTHER RESOLVED that a copy of these Resolutions be spread on the Journal of the House of Representatives of the Commonwealth of Kentucky, a copy delivered to the Press, and a copy mailed to the Federal Communications Commission, Washington, D. C.

Said resolution was adopted.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in that body, entitled:

S. B. 245. An Act relating to the tax on the use in this state of motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.470 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"There is expressly exempted from the tax imposed by KRS 138.460:

"(1) Motor vehicles sold to the United States, to this state, to any city or other political subdivision of this state, or to any charitable, religious or educational institution of this state."

"(2) Used motor vehicles registered or licensed in this state during the same or immediately preceding license period."

"(3) A motor vehicle owned by a person while bona fide domiciled in another state but who is required by law to register the motor vehicle in this state as well as in the state of domicile and who in fact does have the motor vehicle registered in the state of domicile at the time the application is made for registration in this state.

"(4) Motor vehicles of a common carrier or contract carrier upon which vehicle the tax imposed by KRS 281.480 or the mileage tax imposed by KRS 281.520, and a franchise tax, is paid by the owner. The owner shall be required to exhibit the tax receipt for such taxes for the same or immediately preceding license period."

Section 2. (1) The exemptions provided in subsections (1), (3) and (4) KRS 138.470 shall apply only for such period as the owner of the motor vehicle retains the status required for such exemption to be applicable.

(2) If the owner of a motor vehicle which is exempt by the provisions of subsections (1), (3) and (4) of KRS 138.470, transfers the motor vehicle to a person not so exempt, the provisions of subsection (2) of KRS 138.470 shall not apply. In such case, if the vehicle has been previously registered in this state, the tax imposed by KRS 138.460 shall be paid by the purchaser at the time he applies for a transfer of registration; if the vehicle has not been previously registered in this state the purchaser shall pay the tax at the time the vehicle is registered in this state.

S. B. 243. An Act relating to unsafe working conditions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 338.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) When any employe or his representative complains that any place of employment, equipment or practice is unsafe, he or his representative shall file with the commission a statement setting forth the facts upon which he relies for his contention, and transmit a copy of the complaint and statement to his employer. Upon such complaint the commissioner or his authorized representative shall immediately investigate and undertake to have corrected any dangerous condition he finds. If the commissioner or his representative is unable to effect an adjustment he shall file the complaint, statements and findings with the board for hearing.

(2) The commissioner may, upon his own motion and without complaint having been filed as provided in subsection (1) of this section, file a complaint with the board with respect to any unsafe place of employment, equipment or practice that has come to his attention or to the attention of a representative of the department and which, after the commissioner or representative has undertaken to have it adjusted, has not been corrected or removed.

(3) The board shall give at least ten days' notice to the employer of the hearing on any complaint filed with the board, and, in the case of complaints made under subsection (1) of this section, shall give like notice to the employe or his representative. If, after hearing the testimony and inspection of the premises or equipment where it considers such inspection necessary, the board determines that such place, equipment or practice is unsafe, it shall issue an order to that effect and shall post conspicuously on the premises or equipment complained of a notice to that effect. This notice shall be removed only by an authorized representative of the department after the board has determined that the premises or equipment are no longer unsafe.

(4) After the determination by the board that the premises or equipment are unsafe, and constitute a serious menace to the life or safety of the persons about it, the commissioner may apply to the circuit court of the county in which they are located for an injunction restraining their use or operation until the dangerous condition is corrected.

(5) The application to the circuit court shall be accompanied by the certified order of the board and an affidavit showing the facts upon which the board relied for its determination. Upon such a presentation, the court may issue a temporary restraining order pending final hearing and application for injunction.

(6) No person, after the notice provided for in subsection (3) is attached to the premises or equipment, shall use any such place, equipment or practice before it is made safe and the required safeguards or safety appliances are provided. No person shall deface, destroy or remove any such notice, without the authority from the commissioner or order of the court.

S. B. 218. An Act relating to the administration of the Alcoholic Beverage Control and Local Option Laws.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of section 241.020 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) The department shall administer statutes relating to, and regulate traffic in, alcoholic beverages, except that the collection of taxes shall be administered by the Department of Revenue."

S. B. 214. An Act relating to stenographers to the County Judges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 25.310 of the Kentucky Revised Statutes is amended to read as follows:

The stenographer shall continue to receive the salary now fixed by law and paid out of the county levy; provided, however, that such salary may be increased or decreased to the amount fixed by the county judge by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court. In counties other than those containing a city of the first class the salary shall not exceed $1500.00 per annum, except that in counties containing cities of the second class the salary paid to the stenographer to the county judge shall not exceed the sum of $2400.00 per annum.

S. B. 207. An Act relating to fire departments in cities of the third and fourth classes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In cities of the third class, the city legislative body may by ordinance provide that members of the fire department shall receive a period of twenty-four consecutive hours off duty in each period of fourteen days, in addition to receiving twenty-four hours off duty in each period of forty-eight hours, except in cases of extraordinary emergency.

§ 2. In cities of the fourth class, the city legislative body may by ordinance provide that members of the fire department shall receive a period of twenty-four consecutive hours off duty in each period of fourteen days, in addition to receiving twenty-four hours off duty in each period of forty-eight hours, except in cases of extraordinary emergency.

S. B. 87. An Act relating to hospitals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section #1: There is hereby created a Kentucky Hospital Board. That Board shall be composed of seven members, four of whom shall be regularly licensed practicing physicians or surgeons resident in this state, two of whom shall be hospital administrators or members of the Board of Operation or management of a hospital, and one of whom shall be a registered nurse or techinican who has had at least five years actual experience in either of those fields. Appointments to the Board shall be made by the Governor from nominations submitted as follows:

(a) The Kentucky Medical Association shall as soon as possible after the effective date of this act, nominate six qualified physicians or surgeons for each of the four medical members of the Board and shall submit the names of the six nominees for each of the four places on the Board to the members of the Kentucky Medical Association. The names of the nominees shall be printed on a ballot with appropriate space thereon for the members of the Medical Association to indicate their preference for two nominees for each of the

four places on the Board. Such preferences shall be by secret ballot and be conducted by said Board of Health who shall canvass the returns and certify the results to the Governor. The Board of Health will preserve the ballots for a period of one year and such ballots may be inspected by any member of the association during that period of time. No member of the Board, or delegate of the state Medical Association, or member of the Board of Counselors of the state Medical Association, or any County Health Officer or assistant thereto, or member of the United States Public Health service or employee thereof, shall be qualified to serve on said board.

(b) The Board of Trustees of the Kentucky Hospital Association shall submit the names of two nominees for one of the hospital administrators or members of the Board of operations or management of a hospital, one of whom shall be named by the Governor and the other hospital administrator or member of the Board of operations or management of a hospital shall be named by the Governor without nomination therefor, but such member shall not be named from any county containing a city of the first, second or third class, and such member so named by the Governor shall either be a haspital administrator or a member of a hospital board.

(c) The registered nurse or technician member shall be named by the Governor without nomination therefor but shall not be a citizen resident or practicing in any county in which there is a city of the first or second class.

(d) The members of the board shall be appointed for a period of three years except at the time of the initial appointment when two shall be appointed for a one year term, two for a two year term, and three for a three year term.

(e) Members of the Hospital Board shall serve without pay but shall be reimbursed for necessary expenses incurred by them in the performance of their duties.

(f) The Hospital Board shall choose a chairman from its members. Meetings shall be held twice a year and upon call by its chairman or on request of the State Board of Health.

Section #2: It shall be the duty of the Hospital Board to advise the State Board of Health in matters covered in this

Act, to formulate minimum standards and rules and regulations for its administration as hereinafter provided, and to sit for hearings under this Act.

Section #3: After July 1, 1946, no person, partnership, corporation, association, or State, County or local governmental unit shall establish, conduct or maintain any hospital in the Commonwealth of Kentucky without first obtaining a license therefor in the manner herein provided. Any hospital operated by an agency of the Federal Government or any institution devoted solely to the domiciliary care of the aged or infirm is excluded from the provisions of this Act.

Section #4: "Hospital" as used in this Act shall mean any institution which maintains and operates organized facilities for the diagnosis, treatment and care of humans suffering from illness, injury, or deformity, where bedside nursing care is rendered for a period exceeding twenty-four (24) hours, to care for ten (10) patients or more.

This Act shall be administered by the State Hospital Board which is hereby established.

Section #5: It shall be the duty of the State Hospital Board to:

(A) Formulate minimum standards regarding the physical plant and equipment; and the rules and regulations necessary to administer this Act. The minimum standards and rules and regulations shall be approved by the governing bodies of the Kentucky State Medical Association and the Kentucky Hospital Association before final adoption by the State Hospital Board; and shall pertain to sanitation, safety, lighting, heating, ventilation, food handling, medicines, furnishings, operating room facilities, sterilization, isolation in case of a contagious disease; and shall contain no unreasonable provisions. Any supplementary standards necessary to meet requirements for Federal grants in aid shall be adopted only after approval of said Associations.

Section #6: An application for a license to operate a hospital in Kentucky shall be filed in duplicate with the State Board of Health on a form designed by the State Hospital Board and provided by the State Board of Health for that

purpose. Each application shall be accompanied by the required fee of $5.00 for the initial license and $2.00 for the renewal of a license. If the license is not granted, the fee shall be returned to the applicant. An application for license of a hospital individually owned shall be signed by the owner. An application for license of a hospital owned other than by a single individual shall be signed by two responsible officials of the hospital. Evidence shall be presented that the person or persons responsible for the operation of the hospital are in good physical and mental health and are more than 21 years of age. Each application for a license except for a renewal license shall be accompanied by two letters that vouch for the good character and reputation of those who are responsible for the operation of the hospital.

Section #7: The State Hospital Board shall

(a) Accept, and after due investigation made by it or by the authorized member of the State Board of Health as the hospital board may direct, act either upon application for license or for renewal of license by hospitals effected by this act.

(b) Issue licenses to those hospitals that meet the minimum standards and comply with the rules and regulations formulated by the Board under this Act and shall, in its discretion, determine whether local conditions justify the making of an exception of such hospitals if they have not been able to comply with the minimum standards and rules and regulations of the Board so as to prevent the working of an undue hardship upon such hospital as have been unable to comply.

(c) Have the right to withhold licensing any applying hospital that fails to meet the minimum standards or rules or regulations of the Board that does not fall within the exception of sub-section (b) hereof and further providing that the final denial of a license to any hospital or a renewal thereof shall not be effective until thirty days after the applicant has been notified of the disapproval of the application. Such applicant shall have an opportunity to present evidence in person, through counsel, or both, before the said hospital board within the thirty days after notice of the disapproval

of such application and in the event the action of the Board is confirmed such applicant shall have the right to appeal to the Circuit Court of the County in which said hospital is located from the action of the Board. On such appeal the Court will determine whether there is any evidence to sustain the Board's refusal to grant the application or the renewal thereof and shall only be authorized to reverse the action of the Board and grant the license if the Board acted arbitrarily, in fraud of the applicant's rights, or if there was no substantive evidence to sustain the finding of the Board.

(d) Cause to have made an inspection of every licensed hospital periodically, and at such other times as is deemed necessary.

(e) Investigate any evidence of violation by a licensed hospital of this Act or the rules and regulations formulated under this Act. If this investigation indicates that a violation has occurred, the offending hospital shall be given written notice to that effect, with full explanation of the claimed offense. The hospital shall be given at least thirty (30) days in which to answer the complaint in person, by counsel or by both, before a session of the State Hospital Board. Such hearing shall follow the procedure provided for the revocation or suspension of a certificate to practice medicine in KRS 311.110. If the complaint of violation is sustained, the license of the offending hospital may be suspended or revoked if the violation has not ceased within ninety (90) days after the date the complaint is sustained, or such longer time as seems reasonable with the same right of appeal as hereinbefore provided.

(f) Accept the fees that accompany applications for license in the amount of five dollars ($5.00) for an original license and two dollars ($2.00) for the renewal of license.

Section #8: A license issued under this Act shall be valid from the date of issue until April 1st, next, unless suspended or revoked for good and sufficient cause under the procedure of this Act. License shall be renewed annually and application for renewal shall be filed with the State Board of Health on or before March 1st of each year.

Section #9: Applications for licenses under this Act shall be submitted on the form provided for that purpose by the State Board of Health. Each application shall be accompanied by the license fee as provided in this Act.

Section #10: When it is necessary in order to fulfill the provisions of this Act, the State Hospital Board, or its duly authorized representative, shall have access to the records, grounds and buildings of every hospital that has applied or may apply for license. Information of any nature relative to any hospital that may reach the State Hospital Board shall be used solely in connection with its official duties, and shall not be disclosed to any other person except an order of a circuit court of competent jurisdiction.

Section #11: In order to administer the provisions of this Act, the State Hospital Board shall have the power to institute legal proceedings in its own name.

Section #12: This act shall be administered from the fees hereby imposed and the State Hospital Board is authorized to call upon the State Board of Health for assistance in the administration of this Act.

Section #13: Any hospital not desiring to avail itself of any federal aids or grants shall have the right and option of claiming an exemption from the provisions of this Act except registration and the payment of the license fee for a period of five (5) years from the effective date of this Act. Such exemption may be extended by the Board at its discretion.

Section #14: The effective date of this act shall be July 1, 1946, and the minimum standards and rules and regulations of the Board shall be adopted not later than June 1, 1947, so as to be in effect July 1, 1947, the effective date of the Hill-Burton Act.

S. Res. 46. A Concurrent resolution inviting The Honorable John Young Brown to address a joint session of the General Assembly, on the subject "One Kentucky."

Said resolution is as follows, viz.:

Be It Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the Honorable John Young Brown, Representative from Fayette County, be and he is hereby invited to address the General Assembly, in joint session, at a day and hour selected by him, upon the subject "One Kentucky."

S. Res. 52. Resolution memorializing Congress to pass a bill to assist in the prevention and abatement of water pollution.

Said resolution is as follows, viz.:

Be it Resolved by the Senate of Kentucky, the House of Representatives concurring therein:

That the Congress of the United States is requested to pass such a bill as the one entitled above, and the particular attention of the members of the Kentucky delegation in both the House of Representatives and the Senate of the United States is invited to this request.

Toward this end, the Clerk of the Senate is instructed to mail an attested copy of this resolution, immediately upon its adoption by the General Assembly, to each of the nine members of the House of Representatives and the two members of the Senate of the United States at Washington.

S. B. 260. An Act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 243.230 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Licenses to sell distilled spirits and wine by the drink for consumption on the premises located within cities of the first, second or third class, or elsewhere in counties containing a city of the first, second or third class if those counties maintain an adequate police force under KRS 70.540 to

70.570 and KRS 70.150 to 70.170, or for premises located in any county upon property which is owned by a county containing a city of the first, second or third class.

S. B. 263. An Act to amend Sec. 21.160 KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 21.160 of the Kentucky Revised Statutes is amended to read as follows:

"The Court of Appeals may employ and pay clerical assistants for each Judge and Commissioner of the Court of Appeals. Their salary shall be paid monthly out of the treasury upon the warrant of the Department of Finance, which shall be issued upon certificate of the Chief Justice. The assistants shall be subject to removal at the pleasure of the court and shall not practice law or accept any employment or render any services as attorney in the Court of Appeals."

Ordered that said bills and resolutions be printed and referred

To the Committee on Rules.

The Committee on Rules, to which the same had been referred, reported bills and resolutions of the following titles, viz.:

S. B. 245. An Act relating to the tax on the use of motor vehicles.

S. B. 243. An Act relating to unsafe working conditions.

S. B. 218. An Act relating to the administration of the Alcoholic Beverage Control and Local Option Laws.

S. B. 214. An Act relating to stenographers to the County Judges.

S. B. 207. An Act relating to fire departments in cities of the third and fourth classes.

S. B. 87. An Act relating to hospitals.

S. Res. 46. Resolution inviting John Y. Brown to address the Legislature.

S. Res. 52. Resolution memorializing Congress to pass a bill to assist in the prevention and abatement of water pollution.

S. B. 260. An Act relating to alcoholic beverages.

S. B. 263. An Act to amend Sec. 21.160 KRS.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Runyon of the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills and resolutions entitled:

H. B. 321. An Act amending KRS pertaining to motor carriers and providing for tax on registration fee.

H. B. 440. An Act relating to the mining and producing of bituminous coal.

Thereupon all other business was suspended, said bills were read at length in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Runyon of the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, a bill entitled:

H. B. 124. An Act appropriating money for the operation, maintenance and functioning of the State Government for the fiscal years ending June 30, 1947 and June 30, 1948.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

Mr. J. Lee Moore moved that the vote by which the motion as made by him that when the House adjourn today, it adjourn to meet again on Monday, March 18, at eight o'clock p. m.

Be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. J. Lee Moore moved that when the House adjourn today, it adjourn to meet again on Monday, March 18 at three o'clock p. m.

Said motion was agreed to.

Mr. J. Lee Moore moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, MARCH 18, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend O. L. Gilmore of the Northern Presbyterian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson	A. H. Eversole	W. E. McClure
Roy W. Arnold	Henry J. Giles	Jack McPherron
Henry Arrowood	M. B. Gilligan	Harry L. Moore
F. O. Baker	Otto W. Goff	J. L. Moore
Harold L. Barnes	R. M. Hall	J. Lee Moore
F. H. Bassett, Jr.	C. L. Hammonds	Fred Morgan
Ott Begley	Harold G. Helm	Joe T. Morgan
W. G. Biggers	E. R. Hilton	E. C. Mullins
B. J. Bonn	Clyde S. Howard	Rodes K. Myers
J. C. Bradley	Maurice Howard	J. C. Newcomb
B. K. Brantley	Jerry F. Howell	Thos. A. Noe
John Y. Brown	J. J. Huff	Joe E. Nunn
Mrs. Mary Burnett	Ira W. Hulette	Louis T. Peniston
Chas. W. Burnley	Paul Jonas	Sylvester Phillips
Alex H. Calvert	L. H. Jones	L. W. Preston
W. K. Coleman	B. F. Kincaid	E. F. Prichard
S. J. Daugherty	G. O. Kirkpatrick	Wade H. Riley
L. A. Demumbrun	Edgar Kitchen	Kelse H. Risner
E. R. Denny	Homer E. Losey	Amos Runyan
Adron Doran	A. L. Love	J. W. Simmons
G. I. Drury	H. K. Lowman	Luther Slusher
Forest C. Easley	E. J. Lucas	Forrest Smith
Bernie S. Edlin	F. G. Marquette	W. R. Smith
Eck Embry	E. H. Martin	Paul J. Stapleton

Geo. W. Steinford	E. N. Todd	Geo. J. Weining
L. S. Stephens	Walter L. Trivette	Morris Weintraub
Ralph G. Stone	S. J. Wagner	Rodney Whitlow
C. W. Taylor	Harry F. Walters	John Wilborn
E. L. Thompson	Lyle H. Webb	Mr. Speaker
Ray G. Tipton	W. W. Webster	—55

Mr. Howell moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Smith moved that the privilege of the floor be extended to Miss Alma Coldiron and Mr. McKinley Bishop.

Said motion was agreed to.

Mr. Kitchen moved that the privilege of the floor be extended to Mr. Robert Jewell.

Said motion was agreed to.

Mr. Arnold moved that the privilege of the floor be extended to Mr. A. R. Herndon.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Clerk's Desk, a bill entitled:

H. B. 377. An Act relating to cities of the first class and providing for establishment, etc. of a system of sewers and drains.

With an Amendment thereto as proposed and adopted by the Senate.

(For bill see Journal of March 8)

Said amendment as proposed and adopted by the Senate, is as follows, viz.:

Amend H. B. 377 in Senate by striking out of Section 10 of the bill everything from the beginning of the section to and including the words "in pursuance thereof" in line 13 of Section, 10 and inserting in lieu thereof the following:

"Section 10. Where railroad tracks, street railway tracks, gas or water pipes, telephone wires, telegraph wires, electric light or power lines or conduits for carrying telephone or telegraph or electric wires or poles or other structures of any public service corporation extend in, along or across any part of the work authorized by this Act it shall be and become the duty of the person or corporation owning or using such tracks, pipes, wires, conduits, poles, or other structure to make such changes in the same at the expense of the District as may be required during the construction of any improvement provided for in this Act, and to construct or rebuild at the expense of the District its tracks, pipes, wires, conduits, poles or other structures over or along the work by this Act authorized and constructed, and at its own expense to maintain the same after such work has been completed, provided, however, such changes of that part of such tracks, pipes, wires, conduits, poles or other structures as may be or extend in a public way, shall be made at the expense of the public service corporation owning or using the same."

Said amendment was concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	John Y. Brown	M. B. Gilligan
F. O. Baker	Mrs. Mary Burnett	C. L. Hammonds
Harold L. Barnes	Chas. W. Burnley	Harold G. Helm
F. H. Bassett, Jr.	W. K. Coleman	E. R. Hilton
Ott Begley	S. J. Daugherty	Clyde S. Howard
W. G. Biggers	E. R. Denny	Jerry F. Howell
B. J. Bonn	Adron Doran	J. J. Huff
J. C. Bradley	Forest C. Easley	Ira W. Hulette

L. H. Jones	Fred Morgan	E. L. Thompson
B. F. Kincaid	J. C. Newcomb	Ray G. Tipton
Edgar Kitchen	Sylvester Phillips	E. N. Todd
A. L. Love	E. F. Prichard	Walter L. Trivette
H. K. Lowman	Wade H. Riley	Harry F. Walters
E. H. Martin	J. W. Simmons	W. W. Webster
Jack McPherron	Forrest Smith	Geo. J. Weining
Harry L. Moore	Paul J. Stapleton	Morris Weintraub
J. Lee Moore	Ralph G. Stone	John Wilborn

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Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration a bill entitled:

H. B. 138. An Act relating to rural electric cooperative corporations.

With a Senate Amendment thereto, as proposed and adopted by the Senate.

(For bill see Journal of February 20)

Said amendment as proposed and adopted by the Senate, is as follows, viz.:

Amend H. B. 138 by striking out all of the bill after the enacting clause and inserting in lieu thereof the following:

Subsec. (1) of Section 279.130 of the Kentucky Revised Statutes is amended to read as follows:

1. Any corporation formed under this chapter may issue its obligations and pledge its future revenues for the payment thereof. The obligations may be in the form of bonds,

notes, debentures, interim certificates or other evidences of indebtedness. The obligations shall be authorized by resolution of the board of directors. The resolution of the board shall fix the dates of issuance and maturity, the rate and time of payment of interest, the denominations, the form (either coupon or registered), the registration privileges, the manner of execution, the place and medium of payment, and the terms of redemption, but the period of maturity shall not exceed fifty years, or the rate of interest of six per cent, and the obligations shall not be made redeemable at more than par and accrued interest.

Said amendment was concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Clyde S. Howard	L. W. Preston
F. O. Baker	Maurice Howard	E. F. Prichard
F. H. Bassett, Jr.	Jerry F. Howell	Wade H. Riley
W. G. Biggers	J. J. Huff	J. W. Simmons
B. J. Bonn	Ira W. Hulette	Forrest Smith
J. C. Bradley	Paul Jonas	W. R. Smith
B. K. Brantley	Edgar Kitchen	Paul J. Stapleton
John Y. Brown	Homer E. Losey	Ralph G. Stone
Mrs. Mary Burnett	A. L. Love	E. L. Thompson
Chas. W. Burnley	H. K. Lowman	Ray G. Tipton
W. K. Coleman	E. H. Martin	E. N. Todd
S. J. Daugherty	Jack McPherron	Walter L. Trivette
Adron Doran	Harry L. Moore	S. J. Wagner
G. I. Drury	J. Lee Moore	Harry F. Walters
Forest C. Easley	Fred Morgan	Lyle H. Webb
M. B. Gilligan	Joe T. Morgan	W. W. Webster
Harold G. Helm	J. C. Newcomb	Morris Weintraub
E. R. Hilton	Sylvester Phillips	John Wilborn

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Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Clerk's Desk a bill entitled:

H. B. 300. An Act relating to public health with particular reference to pharmacists.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal of March 8)

Said amendment as proposed and adopted by the Senate is as follows, viz.:

Amend H. B. 300 on page 2, section 3, line 8 by striking out the word "written" and one line 9 by striking out the word "signed" and substituting therefor the word "issued"

Said amendment was concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	John Y. Brown	C. L. Hammonds
Harold L. Barnes	Mrs. Mary Burnett	E. R. Hilton
F. H. Bassett, Jr.	W. K. Coleman	Clyde S. Howard
Ott Begley	S. J. Daugherty	Jerry F. Howell
W. G. Biggers	E. R. Denny	J. J. Huff
B. J. Bonn	Adron Doran	Ira W. Hulette
J. C. Bradley	G. I. Drury	Paul Jonas
B. K. Brantley	M. B. Gilligan	Edgar Kitchen

Homer E. Losey	E. F. Prichard	E. N. Todd
H. K. Lowman	Wade H. Riley	Walter L. Trivette
E. H. Martin	J. W. Simmons	S. J. Wagner
Jack McPherron	Forrest Smith	Harry F. Walters
Harry L. Moore	W. R. Smith	Lyle H. Webb
J. Lee Moore	Paul J. Stapleton	W. W. Webster
J. C. Newcomb	Ralph G. Stone	Geo. J. Weining
Sylvester Phillips	E. L. Thompson	Morris Weintraub
L. W. Preston	Ray G. Tipton	John Wilborn

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Those who voted in the negative were—

Eck Embry	Joe T. Morgan	—2

Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House

At the instance of the Committee on Rules, the House took up for consideration from the Clerk's Desk, a bill entitled:

H. B. 433. An Act to promote safe driving, etc.

With an amendment to the title thereof as proposed and adopted by the Senate.

(For bill see House Journal of March 6)

Said amendment to the title of said bill is as follows, viz.:

Amend the title to H. B. 433 in Senate by substituting a "comma" for the "period" at the end of the title and adding thereafter the words "and making an appropriation for the purposes of this Act."

Said amendment was concurred in.

Resolved that the title thereof be as amended.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Clerks Desk, a bill entitled:

H. B. 41 An Act relating to the classification of cities.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of March 7)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

1. Amend H. B. 41 in Senate by inserting, on page 6 of the printed bill, between lines 144 and 145, the words "West Liberty, Morgan County."

2. Amend H. B. 41 in Senate by striking from line 94, page 4 of the printed bill, the words "Cumberland, Harlan County" and by inserting on page 2 of the printed bill between lines 27 and 28 the words "Cumberland, Harlan County."

Said amendments were concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Ott Begley	B. K. Brantley
F. O. Baker	W. G. Biggers	John Y. Brown
Harold L. Barnes	B. J. Bonn	Mrs. Mary Burnett
F. H. Bassett, Jr.	J. C. Bradley	Chas. W. Burnley

W. K. Coleman	B. F. Kincaid	Forrest Smith
E. R. Denny	Edgar Kitchen	W. R. Smith
Adron Doran	A. L. Love	Paul J. Stapleton
G. I. Drury	H. K. Lowman	Ralph G. Stone
Forest C. Easley	E. H. Martin	E. L. Thompson
Eck Embry	Jack McPherron	Ray G. Tipton
R. R. Ernst	Harry L. Moore	E. N. Todd
M. B. Gilligan	J. Lee Moore	Walter L. Trivette
C. L. Hammonds	Fred Morgan	S. J. Wagner
E. R. Hilton	Joe T. Morgan	W. W. Webster
Clyde S. Howard	J. C. Newcomb	Geo. J. Weining
Maurice Howard	L. W. Preston	Morris Weintraub
Jerry F. Howell	E. F. Prichard	Lawrence Wells
Ira W. Hulette	Wade H. Riley	John Wilborn
Paul Jonas	J. W. Simmons	—56

There voted in the negative—

J. J. Huff —1

Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills and resolutions of the following titles, viz.:

S. B. 245. An Act relating to the tax on the use of motor vehicles.

S. B. 243. An Act relating to unsafe working conditions.

S. B. 218. An Act relating to the administration of the Alcoholic Beverage Control and Local Option Laws.

S. B. 214. An Act relating to stenographers to the County Judges.

S. B. 207. An Act relating to fire departments in cities of the third and fourth classes.

S. B. 87. An Act relating to hospitals.

S. Res. 46. Resolution inviting John Y. Brown to address the Legislature.

S. Res. 52. Resolution memoralizing Congress to pass a bill to assist in the prevention and abatement of water pollution.

S. B. 260. An Act relating to alcoholic beverages.

S. B. 263. An Act to amend Sec. 21.160 KRS.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in this House entitled:

H. B. 309. An Act relating to Senatorial Districts.

H. B. 454. An Act relating to marriage.

H. B. 469. An Act authorizing the acquisition, construction, maintenance, extension and improvement of public projects, etc.

H. Res. 54. Resolution authorizing payment of claims for service to Ezra Beach, J. W. Connelly and Vol Lowe of Gallatin County.

Ordered that said bills and resolution be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 385. An Act relating to public assistance, including old age assistance and aid to the needy blind.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When any needy aged person has been found to be eligible to receive old age assistance, and a monthly allowance has been granted to him, in the granting of which due regard has been had to the existing and anticipated resources and requirements of such person, such allowance shall not be withdrawn, nor shall the amount thereof be reduced, by reason of any casual or incidental income or resource thereafter becoming available to such person, of an intermittent or nonrecurrent nature, so long as the amount of such casual or incidental income or resource, when added to the amount of the monthly assistance allowance, does not exceed an average of thirty dollars per month in any six-month period.

§ 2. When any needy blind person has been found to be eligible to receive aid, under the statutes providing for aid to the needy blind, and a monthly allowance has been granted to him, in the granting of which due regard has been had to the existing and anticipated resources and requirements of such person, such allowance shall not be withdrawn, nor shall the amount thereof be reduced, by reason of any casual or incidental income or resource thereafter becoming available to such person, of an intermittent or nonrecurrent nature, so long as the amount of such casual or incidental

income or resource, when added to the amount of the monthly aid allowance, does not exceed, in any six-month period, the maximum allowance allowable to any needy blind person.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the negative were—

Roy W. Arnold	C. L. Hammonds	L. W. Preston
F. O. Baker	E. R. Hilton	E. F. Prichard
Harold L. Barnes	Clyde S. Howard	Wade H. Riley
F. H. Bassett, Jr.	Maurice Howard	J. W. Simmons
Ott Begley	Jerry F. Howell	Forrest Smith
W. G. Biggers	Ira W. Hulette	W. R. Smith
B. J. Bonn	Paul Jonas	Paul J. Stapleton
J. C. Bradley	L. H. Jones	Ralph G. Stone
John Y. Brown	B. F. Kincaid	E. L. Thompson
Mrs. Mary Burnett	Edgar Kitchen	Ray G. Tipton
Chas. W. Burnley	Homer E. Losey	E. N. Todd
W. K. Coleman	A. L. Love	Walter L. Trivette
S. J. Daugherty	H. K. Lowman	S. J. Wagner
L. A. Demumbrun	E. H. Martin	Harry F. Walters
E. R. Denny	Jack McPherron	Lyle H. Webb
Adron Doran	Harry L. Moore	W. W. Webster
G. I. Drury	J. Lee Moore	Geo. J. Weining
Forest C. Easley	Fred Morgan	Morris Weintraub
Eck Embry	Rodes K. Myers	Lawrence Wells
M. B. Gilligan	J. C. Newcomb	John Wilborn
R. M. Hall	Sylvester Phillips	—62

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 451. An Act relating to Commonwealth's Attorneys.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any Commonwealth's Attorney of this Commonwealth who during his term of office was inducted into the Armed Services of the United States under the Selective Service Act enacted by the Congress of the United States of America, and any Commonwealth's Attorney who may be so inducted during his term of office, shall have deducted from the salary, commissions and compensation the total amount paid by the Commonwealth as now provided by KRS 69.060 to any Commonwealth's Attorneys pro tem who served in the absence of the Commonwealth's Attorney, and except as to said deduction or deductions, each and every Commonwealth's Attorney heretofore or hereafter inducted into the armed services of the United States under the aforesaid Selective Service Act, shall be paid the full salary, commissions and compensation prescribed by KRS 69.050, notwithstanding the temporary absence of such Commonwealth's Attorney during such service in the Armed Services of the United States.

It hereby is declared to be the Legislative intent and purpose to do justice to the officials to whom this act is applicable, as their services were performed during their absence by others qualified to serve, and that the Commonwealth has no moral or equitable claim or right to profit by the retention of fines and forfeitures which were collected and paid into the State Treasury and to which the Commonwealth would not have been entitled to retain had such officers not been required to serve their State and Country in another capacity.

Mr. Stapleton offered the following amendment to said bill, viz.:

Amend H. B. 451 so as to apply to service in the Armed Forces and whether or not such service was by reason of induction, such amendment to be accomplished by making the following changes:

In line 2, substitute the words "served in" in lieu of the word "so inducted into."

In line 3 and 4 striking the words "under the Selective Service Act enacted by the Congress of the United States of America."

In line 5, substitute the words "hereafter so served" in lieu of the words "be so inducted."

In lines 10 and 11, substitute the words "serving in" in lieu of the words "inducted into."

In lines 11 and 12, strike the words "under the aforesaid Selective Service Act."

Said amendment was agreed to.

Ordered said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	W. G. Biggers	John Y. Brown
F. O. Baker	B. J. Bonn	Mrs. Mary Burnett
F. H. Bassett, Jr.	J. C. Bradley	Chas. W. Burnley
Ott Begley	B. K. Brantley	S. J. Daugherty

E. R. Denny	Paul Jonas	Forrest Smith
Adron Doran	B. F. Kincaid	W. R. Smith
Forest C. Easley	Homer E. Losey	Paul J. Stapleton
Eck Embry	A. L. Love	Ralph G. Stone
M. B. Gilligan	H. K. Lowman	E. L. Thompson
R. M. Hall	E. H. Martin	Ray G. Tipton
C. L. Hammonds	Jack McPherron	E. N. Todd
Harold G. Helm	Harry L. Moore	Walter L. Trivette
E. R. Hilton	J. Lee Moore	S. J. Wagner
Clyde S. Howard	Fred Morgan	W. W. Webster
Maurice Howard	Sylvester Phillips	Geo. J. Weining
Jerry F. Howell	L. W. Preston	Morris Weintraub
J. J. Huff	J. W. Simmons	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 362. An Act relating to eligibility for public assistance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of Section 200.010 of the Kentucky Revised Statutes is amended to read as follows:

(2) As used in KRS 200.020 to 200.070, unless the context requires otherwise:

Aid to dependent children under the provisions of KRS ments and such services as may be necessary to provide for the welfare of dependent children; and

(b) "Dependent child" means a needy child under the age of eighteen who has been deprived of parental support by reason of the death, absence or incapacity of a parent.

§ 2. Section 200.020 of the Kentucky Revised Statutes is amended to read as follows:

Aid to dependent children under the provisions of KRS 200.020 to 200.070 shall be granted to any dependent child who is a resident of this state at the time of receiving aid and who has been a resident of this state for such period of time prior thereto as is prescribed by regulations of the Department of Welfare, which regulations may prescribe residence standards in accordance with varying circumstances and conditions, taking into consideration the residence requirements of other jurisdictions.

§ 3. Section 205.020 of the Kentucky Revised Statutes is amended to read as follows:

Old Age Assistance shall be granted to any needy person who:

(1) Has attained the age of sixty-five;

(2) Is a resident of this state at the time of receiving assistance and who has been a resident of this state for such period of time prior thereto as is prescribed by regulations of the Department of Welfare, which regulations may prescribe residence standards in accordance with varying circumstances and conditions, taking into consideration the residence requirements of other jurisdictions;

(3) Is not at the time of receiving old age assistance an inmate of any public or private institution except for temporary medical or surgical care in a hospital; and

(4) Has not made a voluntary assignment or transfer of property for the purpose of qualifying for old age assistance.

§ 4. Section 207.060 of the Kentucky Revised Statutes is amended to read as follows:

Aid to the needy blind shall be granted to any needy blind who:

(1) Is a resident of this state at the time of receiving aid, and who has been a resident of this state for such period of time prior thereto as is prescribed by regulations of the Department of Welfare, which regulations may prescribe

residence standards in accordance with varying circumstances and conditions, taking into consideration the residence requirements of other jurisdictions;

(2) Is not at the time of receiving aid to the needy blind an inmate of any public or private institution of a custodial or eleemosynary nature, except in case of temporary medical or surgical care in a hospital;

(3) Has not voluntarily made an assignment or transfer of property for the purpose of rendering himself eligible for aid to the needy blind; and

(4) Is not receiving aid to dependent children as provided for in Chapter 200 nor old age assistance as provided for in KRS 205.010 to 205.080. A person receiving either aid to dependent children or old age assistance may, however, make application for aid to the needy blind, but aid to the needy blind, if granted, shall not begin until he ceases to receive aid to dependent children or old age assistance.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Adron Doran	Paul Jonas
F. O. Baker	G. I. Drury	L. H. Jones
F. H. Bassett, Jr.	Forest C. Easley	A. L. Love
Ott Begley	Eck Embry	H. K. Lowman
W. G. Biggers	M. B. Gilligan	E. H. Martin
B. J. Bonn	R. M. Hall	Jack McPherron
J. C. Bradley	Harold G. Helm	Harry L. Moore
Mrs. Mary Burnett	Clyde S. Howard	J. Lee Moore
Chas. W. Burnley	Maurice Howard	Fred Morgan
W. K. Coleman	Jerry F. Howell	Sylvester Phillips
S. J. Daugherty	J. J. Huff	E. F. Prichard
E. R. Denny	Ira W. Hulette	J. W. Simmons

Forrest Smith	Ray G. Tipton	W. W. Webster
W. R. Smith	E. N. Todd	Geo. J. Weining
Paul J. Stapleton	Walter L. Trivette	Morris Weintraub
Ralph G. Stone	S. J. Wagner	Lawrence Wells
E. L. Thompson	Harry F. Walters	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 253. An Act to repeal, amend and reenact KRS 386.020, relating to banking.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 386.020 of the Kentucky Revised Statutes is hereby repealed, amended and re-enacted so as to read as follows:

(1) Any fiduciary holding funds for loan or investment may invest them in:

(a) Bonds or other interest-bearing obligations of the Federal Government;

(b) Bonds, state warrants and other interest-bearing obligations of this state;

(c) Securities authorized by the Federal Farm Loan Act (39 Stat. 360) as amended;

(d) Bonds and obligations of the Home Owners' Loan Corporation, Federal Farm Mortgage Corporation, or the Federal Intermediate Credit Bank;

(e) Notes and bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, obliga-

tions issued or insured by the Federal Housing Administrator, and securities issued by National Mortgage Associations;

(f) Obligations representing loans and advances of credit that are eligible for credit insurance by the Federal Housing Administrator, and the fiduciary may obtain such insurance;

(g) Loans secured by real property or leasehold, that the Federal Housing Administrator insures or makes a commitment to insure, and the fiduciary may obtain such insurance;

(h) Real estate mortgage notes, bonds and other interest-bearing or dividend-paying securities which would be regarded by prudent businessmen as safe investments;

(i) Real estate, after obtaining the approval of the circuit court for such investment;

(j) Life insurance, endowment and annuity contracts issued by legal reserve companies authorized to do business in this state, after obtaining the approval of the circuit court for such investment. Said fiduciary may select any optional settlement provided in a policy maturing by death or as an endowment; and

(k) Securities or obligations of a diversified, open-end, management, investment company which is duly registered with the Federal Securities and Exchange Commission in accordance with the provisions of an act of Congress known as the Federal Investment Act of 1940 (August 22, 1940, c. 686, 54 Stat. 790) and amendments thereto; and provided that evidence of such registration is on file in the Office of the Division of Banking, Department of Business Regulations of the Commonwealth of Kentucky.

"Investment company," as used herein, means an issuing company holding itself out as being primarily engaged in the business of investing, reinvesting or trading in securities.

"Management investment company" means an investment company having a continuing board of directors, trustees or managements, charged with the duty and responsibility of handling the affairs of the company.

"Open-end company" means a management investment company which is offering for sale or has outstanding any redeemable security of which it is the issuer.

"Diversified company" means a management investment company which meets the following requirements: At least 75 percentum of the value of its total assets is represented by cash and cash items (including receivables), Government securities, securities of other investment companies, and other securities for the purposes of this calculation limited in respect of any one issuer to an amount not greater in value than 5 per centum of the value of the total assets of such management company and not more than 10 per centum of the outstanding voting securities of such issuer.

A registered diversified company which, at the time of its qualification as such, meets the requirements of the paragraph immediately preceding this one, shall not lose its status as a diversified company because of any subsequent discrepancy between the value of its various investments and the requirements of said paragraph, so long as any such discrepancy existing immediately after its acquisition of any security or other property is neither wholly nor partly the result of such acquisition.

(2) Fiduciaries holding funds for loan or investment may make loans with the securities named in subsection (1) as collateral.

(3) The fiduciary shall account for all interest or profit received.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Harold L. Barnes	W. G. Biggers
F. O. Baker	Ott Begley	B. J. Bonn

J. C. Bradley	Jerry F. Howell	Forrest Smith
John Y. Brown	J. J. Huff	W. R. Smith
Mrs. Mary Burnett	Ira W. Hulette	Paul J. Stapleton
Chas. W. Burnley	Paul Jonas	Ralph G. Stone
W. K. Coleman	B. F. Kincaid	C. W. Taylor
S. J. Daugherty	Edgar Kitchen	E. L. Thompson
L. A. Demumbrun	Homer E. Losey	Ray G. Tipton
E. R. Denny	E. H. Martin	E. N. Todd
Adron Doran	Jack McPherron	Walter L. Trivette
G. I. Drury	Harry L. Moore	S. J. Wagner
Forest C. Easley	Fred Morgan	Harry F. Walters
Eck Embry	Rodes K. Myers	Lyle H. Webb
M. B. Gilligan	J. C. Newcomb	W. W. Webster
C. L. Hammonds	Sylvester Phillips	Geo. J. Weining
Harold G. Helm	L. W. Preston	Morris Weintraub
E. R. Hilton	E. F. Prichard	Lawrence Wells
Clyde S. Howard	J. W. Simmons	John Wilborn
Maurice Howard		—58

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Maurice Howard asked the unanimous consent of the House to withdraw a bill entitled:

H. B. 503. An Act relating to embalmers and funeral directors.

As a special for 9:00 P. M. on today.

Said request was granted and without objection, H. B. 503 was withdrawn as a Special Order.

At the instance of the Committe on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 426. An Act relating to insurance agents.

With a committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 298.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this Section, on and after November 1, 1946, any license issued to an insurance agent of an insurance company doing other than a life insurance business shall authorize him to act as such agent during the time for which the company appointing him is authorized to do an insurance business in this state and during the time he is a bona fide resident of this state; provided that upon cancellation of such license by the Director or by the company, or upon surrender of the same by the agent, such license shall be promptly returned to the Director. Annually and prior to the first day of November of each year every company shall file with the Director an alphabetical list of all its agents whose licenses are to remain in effect, with the correct office address, occupation or employment of each, and pay any annual fee for each which is required by law.

Any change in the address, occupation, or employment of a licensed agent shall be promptly reported to the Director by the agent and by the company that has licensed such agent.

(2) If the Director deems it necessary, he may require any licensed agent to submit a new application as of November 1st of any year.

Said Committee amendment is as follows, viz.:

Amend H. B. 426 on page 1, line 5 by striking the words "an insurance company" from line 5 and inserting in lieu thereof the words "any stock insurance company."

Said amendment was agreed to.

Ordered that said bill be engrossed, and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	C. L. Hammonds	J. C. Newcomb
F. O. Baker	Harold G. Helm	Sylvester Phillips
Harold L. Barnes	E. R. Hilton	L. W. Preston
F. H. Bassett, Jr.	Clyde S. Howard	E. F. Prichard
Ott Begley	Maurice Howard	J. W. Simmons
W. G. Biggers	Jerry F. Howell	W. R. Smith
B. J. Bonn	Ira W. Hulette	Ralph G. Stone
J. C. Bradley	Paul Jonas	C. W. Taylor
B. K. Brantley	L. H. Jones	E. L. Thompson
John Y. Brown	B. F. Kincaid	Ray G. Tipton
Mrs. Mary Burnett	Edgar Kitchen	E. N. Todd
Chas. W. Burnley	Homer E. Losey	Walter L. Trivette
W. K. Coleman	H. K. Lowman	Harry F. Walters
S. J. Daugherty	E. H. Martin	Lyle H. Webb
E. R. Denny	Jack McPherron	W. W. Webster
Adron Doran	Harry L. Moore	Geo. J. Weining
G. I. Drury	J. Lee Moore	Morris Weintraub
Eck Embry	Fred Morgan	Lawrence Wells
M. B. Gilligan	Rodes K. Myers	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 528. An Act appropriating money for the Department of Military Affairs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. There is hereby appropriated out of the General Expenditure Fund in the State Treasury as of effective date of this Act, the sum of $15,000, to the Veterans' Division of the Department of Military Affairs, for the fiscal year ending June 30, 1946.

Sec. 2. WHEREAS, the funds heretofore appropriated for the Disabled Ex-Service Men's Board in the Veterans' Division of the Department of Miltary Affairs are exhausted, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	G. I. Drury	Homer E. Losey
F. O. Baker	Forest C. Easley	A. L. Love
Harold L. Barnes	Eck Embry	H. K. Lowman
F. H. Bassett, Jr.	M. B. Gilligan	E. H. Martin
Ott Begley	R. M. Hall	Jack McPherron
W. G. Biggers	C. L. Hammonds	Harry L. Moore
B. J. Bonn	Harold G. Helm	J. Lee Moore
J. C. Bradley	E. R. Hilton	Fred Morgan
B. K. Brantley	Clyde S. Howard	Rodes K. Myers
John Y. Brown	Maurice Howard	J. C. Newcomb
Mrs. Mary Burnett	Jerry F. Howell	Sylvester Phillips
Chas. W. Burnley	J. J. Huff	E. F. Prichard
W. K. Coleman	Ira W. Hulette	J. W. Simmons
S. J. Daugherty	Paul Jonas	W. R. Smith
L. A. Demumbrun	L. H. Jones	Paul J. Stapleton
E. R. Denny	B. F. Kincaid	Ralph G. Stone
Adron Doran	Edgar Kitchen	C. W. Taylor

E. L. Thompson	S. J. Wagner	Geo. J. Weining
Ray G. Tipton	Harry F. Walters	Morris Weintraub
E. N. Todd	Lyle H. Webb	John Wilborn
Walter L. Trivette	W. W. Webster	—62

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 307. An Act relating to political subdivisions of the State and the purchase of supplies, materials, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever authorized by ordinance or resolution by its legislative authority, any political subdivision of the State shall have power to purchase supplies, materials or equipment from or through the United States Government without calling for bids, notwithstanding any law or charter provision to the contrary.

Whereas, the Federal Government is now selling many items that are unobtainable from any other source and which are urgently needed by municipalities,

Now, therefore, an emergency is hereby declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	Louis T. Peniston
F. O. Baker	C. L. Hammonds	L. W. Preston
Harold L. Barnes	Harold G. Helm	E. F. Prichard
F. H. Bassett, Jr.	E. R. Hilton	J. W. Simmons
Ott Begley	Clyde S. Howard	W. R. Smith
W. G. Biggers	Maurice Howard	Paul J. Stapleton
B. J. Bonn	Ira W. Hulette	Ralph G. Stone
J. C. Bradley	Paul Jonas	C. W. Taylor
John Y. Brown	L. H. Jones	E. L. Thompson
Mrs. Mary Burnett	B. F. Kincaid	Ray G. Tipton
Chas. W. Burnley	Edgar Kitchen	E. N. Todd
W. K. Coleman	Homer E. Losey	Walter L. Trivette
S. J. Daugherty	A. L. Love	S. J. Wagner
L. A. Demumbrun	H. K. Lowman	Harry F. Walters
E. R. Denny	E. H. Martin	W. W. Webster
Adron Doran	Jack McPherron	Geo. J. Weining
G. I. Drury	Harry L. Moore	Morris Weintraub
Forest C. Easley	J. Lee Moore	Lawrence Wells
Eck Embry	Fred Morgan	John Wilborn
M. B. Gilligan	J. C. Newcomb	—59

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 445. An Act relating to commitment of persons to the U. S. Public Health Service.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever in a proceeding for the trial and commitment of any person who appears to be of unsound mind it is determined that such person is either feebleminded, an epileptic, insane person, drug addict, including alcoholic and ought to be committed for safekeeping or treatment and it appears that such person is eligible for care or treatment by the United States Public Health Service or other agency of the United States Government, the court of the county in which such person is found, having jurisdiction in such matters, upon receipt of a certificate from the United States Public Health Service or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may commit such person to the United States Public Health Service or other agency of the United States Government for care or treatment. Thereafter such person, upon admission to any such facility, shall be subject to the rules and regulations of the United States Public Health Service or other agency of the United States Government. The Chief officer of any such facility or institution to which such person is committed under the provisions of this Act, shall be vested with the same powers as are exercised by superintendents of state hospitals for mental diseases within this state with respect to the retention, transfer, parole, or discharge of the person so committed. Notice of such pending commitment proceedings shall be furnished the person whose commitment is sought and his right to appear and defend shall not be denied. The Judgment or order of commitment by a court of competent jurisdiction of another state or the District of Columbia committing a person to the United States Public Health Service or other agency of the United States Government, for care or treatment, shall have the same force and effect as to such person while in this state as in the state in which is situated the court entering such judgment or making such order.

Section 2. Upon receipt of a certificate of the United States Public Health Service or such other agency of the United States Government that facilities are available for the care or treatment of any person heretofore committed to any hospital for the insane or other institution in this state for the care of persons similarly afflicted and that such per-

son is eligible for such care or treatment, the Director of the Division of Hospitals and Mental Hygiene, upon recommendation by the superintendent of any such hospital or institution in this state, is hereby authorized to cause the transfer of any such person to the United States Public Health Service or other agency of the United States Government for care or treatment. Upon effecting any such transfer, the committing court shall be notified thereof by the Director of the Division of Hospitals and Mental Hygiene.

Section 3. Any person transferred as provided in this section shall be deemed to be committed to the United States Public Health Service or other agency of the United States Government pursuant to the original commitment the same as if he had been originally so committed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Eck Embry	J. L. Moore
Roy W. Arnold	M. B. Gilligan	J. Lee Moore
F. O. Baker	C. L. Hammonds	Fred Morgan
Harold L. Barnes	Harold G. Helm	J. C. Newcomb
F. H. Bassett, Jr.	E. R. Hilton	Louis T. Peniston
Ott Begley	Clyde S. Howard	Sylvester Phillips
W. G. Biggers	Jerry F. Howell	L. W. Preston
B. J. Bonn	J. J. Huff	E. F. Prichard
J. C. Bradley	Ira W. Hulette	Kelse H. Risner
Mrs. Mary Burnett	Paul Jonas	J. W. Simmons
Chas. W. Burnley	L. H. Jones	Forrest Smith
W. K. Coleman	Edgar Kitchen	W. R. Smith
S. J. Daugherty	Homer E. Losey	Paul J. Stapleton
L. A. Demumbrun	E. H. Martin	C. W. Taylor
Adron Doran	Jack McPherron	E. L. Thompson
Forest C. Easley	Harry L. Moore	Ray G. Tipton

E. N. Todd	W. W. Webster	Lawrence Wells
Walter L. Trivette	Geo. J. Weining	John Wilborn
Lyle H. Webb	Morris Weintraub	—56

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 510. An Act relating to the payment of certain expenses of deputy sheriffs in certain counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That the fiscal court in any county having an assessed value of more than 100,000,000 and containing a population of less than 75,000, comprising a separate judicial district, may pay the costs of gasoline and oil used by deputy sheriffs in the performance of their official duties.

(2) The deputy sheriffs at the end of each month shall furnish a sworn statement as to the amount expended for gasoline and oil during the preceding month, and if same is allowed, the costs thereof shall be paid out of the general funds of the county.

Mr. Hammonds offered the following amendment thereto by way of Substitute therefore, viz.:

An Act relating to the payment of certain expenses of Deputy Sheriffs in Certain Counties.

Be It Enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The fiscal court of any county containing a city of the first or second class, or of any county containing a city

of the third class, or part of a city of the third class, which city of the third class is not the county seat of the county and does not contain offices for the major county officers, may pay the costs of gasoline and oil used by deputy sheriffs in the performance of their official duties.

(2) The deputy sheriffs at the end of each month shall furnish a sworn statement as to the amount expended for gasoline and oil during the preceding month, and if same is allowed, the costs thereof shall be paid out of the general funds.

Said Substitute was agreed to.

Ordered that said bill be engrossed, and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Eck Embry	Fred Morgan
Roy W. Arnold	M. B. Gilligan	J. C. Newcomb
F. O. Baker	R. M. Hall	Sylvester Phillips
Harold L. Barnes	C. L. Hammonds	Kelse H. Risner
F. H. Bassett, Jr.	Harold G. Helm	J. W. Simmons
Ott Begley	E. R. Hilton	Forrest Smith
W. G. Biggers	Clyde S. Howard	W. R. Smith
B. J. Bonn	Jerry F. Howell	Paul J. Stapleton
J. C. Bradley	Ira W. Hulette	C. W. Taylor
B. K. Brantley	Paul Jonas	E. L. Thompson
John Y. Brown	L. H. Jones	Ray G. Tipton
Mrs. Mary Burnett	B. F. Kincaid	E. N. Todd
Chas. W. Burnley	Homer E. Losey	Walter L. Trivette
W. K. Coleman	H. K. Lowman	S. J. Wagner
S. J. Daugherty	E. H. Martin	W. W. Webster
L. A. Demumbrun	Jack McPherron	Geo. J. Weining
Adron Doran	Harry L. Moore	Morris Weintraub
G. I. Drury	J. L. Moore	John Wilborn
Forest C. Easley	J. Lee Moore	

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Those who voted in the negative were—

A. L. Love Wade H. Riley Lawrence Wells
L. W. Preston —4

Resolved that the title thereof be as amended.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 354. An Act relating to compensation of the county tax commissioner and deputies, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.630 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) The county tax commissioner in counties containing a city of the first class shall annually, in January, report to the Department of Finance under oath the amount received by him on account of his official duties or position from all sources during the preceding year, and the amounts paid out by him for deputies or assistants, giving the amounts paid to each and for expenses of his office. If it appears from this statement that he received as compensation on account of his office, from all sources, more than five thousand dollars after the payment of his deputies and assistants and all the expenses of his office, he shall, with such statement, pay to the Department of Finance the amount so received in excess of five thousand dollars.

(2) The annual salary of the deputy county tax commissioners, appraisers and draftsmen shall be fixed by the county judge by an order entered of record. The salary of the chief deputy shall not exceed $3,300 per annum, that of the first three deputies shall not exceed $2,750 per annum, that of the twelve appraisers shall not exceed $2,500 per annum, and that of the other deputies and draftsmen shall not exceed $2,200 per annum. The total amount allowed for salaries for the

county tax commissioner, his deputies, appraisers and draftsmen, and all other expenses of the office including transportation expense for himself and deputies, shalll not exceed in the aggregate the compensation allowed by KRS 132.590. A copy of the order of the county judge fixing the salaries as well as a copy of any change made therein, shall be filed with the Department of Revenue by the county clerk when made.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Clyde S. Howard	Kelse H. Risner
F. O. Baker	Maurice Howard	J. W. Simmons
Harold L. Barnes	Ira W. Hulette	Forrest Smith
F. H. Bassett, Jr.	Paul Jonas	W. R. Smith
W. G. Biggers	B. F. Kincaid	Paul J. Stapleton
B. J. Bonn	Edgar Kitchen	Ralph G. Stone
B. K. Brantley	Homer E. Losey	C. W. Taylor
John Y. Brown	H. K. Lowman	E. L. Thompson
Mrs. Mary Burnett	E. H. Martin	Ray G. Tipton
Chas. W. Burnley	Jack McPherron	E. N. Todd
W. K. Coleman	J. Lee Moore	Walter L. Trivette
S. J. Daugherty	Fred Morgan	S. J. Wagner
G. I. Drury	J. C. Newcomb	Harry F. Walters
R. M. Hall	Louis T. Peniston	W. W. Webster
C. L. Hammonds	E. F. Prichard	Geo. J. Weining
E. R. Hilton	Wade H. Riley	John Wilborn

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Those who voted in the negative were—

Ott Begley	Eck Embry	Harry L. Moore
L. A. Demumbrun	A. L. Love	

—5

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 204. An Act relating to places of entertainment.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Permits issued to operate a place of entertainment, under the provisions of Chapter 231 of the Kentucky Revised Statutes, shall be for a period of one year unless sooner cancelled pursuant to the provisions of KRS 231.120.

Sec. 2. All permits issued prior to the effective date of this Act shall expire on June 30, 1947, unless sooner cancelled pursuant to the provisions of KRS 231.120.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	J. C. Bradley	Adron Doran
Roy W. Arnold	John Y. Brown	G. I. Drury
F. O. Baker	Mrs. Mary Burnett	Eck Embry
Harold L. Barnes	Chas. W. Burnley	C. L. Hammonds
F. H. Bassett, Jr.	W. K. Coleman	Harold G. Helm
Ott Begley	S. J. Daugherty	E. R. Hilton
W. G. Biggers	L. A. Demumbrun	Clyde S. Howard
B. J. Bonn	E. R. Denny	Maurice Howard

Jerry F. Howell	Fred Morgan	Ralph G. Stone
Ira W. Hulette	Joe T. Morgan	Ray G. Tipton
Paul Jonas	J. C. Newcomb	Walter L. Trivette
L. H. Jones	Louis T. Peniston	S. J. Wagner
B. F. Kincaid	L. W. Preston	Harry F. Walters
Edgar Kitchen	E. F. Prichard	Lyle H. Webb
Homer E. Losey	Wade H. Riley	W. W. Webster
A. L. Love	Kelse H. Risner	Geo. J. Weining
E. H. Martin	Forrest Smith	Morris Weintraub
Harry L. Moore	W. R. Smith	Lawrence Wells
J. L. Moore	Paul J. Stapleton	John Wilborn
J. Lee Moore		—58

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 342. An Act authorizing fiscal courts to purchase or otherwise acquire lands, etc.

Said bill is as follows, viz.:

PERMANENT PUBLIC FORESTS—FISCAL COURTS AUTHORIZED AND EMPOWERED TO PURCHASE OR ACQUIRE LANDS.

Section 1. Be it enacted by the General Assembly of the State of Kentucky, that the Fiscal Court of any county is hereby authorized and empowered to purchase or acquire by gift or devise any lands lying within the limits of such county so acquiring such lands and to own, hold, and maintain such lands for the purpose of a permanent public forest as hereinafter provided.

NOTICE OF INTENTION—STIPULATIONS

Section 2. Whenever the Fiscal Court of any county shall determine it advisable to purchase and acquire lands

within such county to be owned, held, and maintained by such county for a permanent public forest, such Fiscal Court shall make an order requiring the auditor of such county to give notice for two consecutive weeks in a newspaper, which shall be of general circulation in such county, which notice shall state that said Fiscal Court on a date fixed by said Court and named in such notice, not less than thirty days after the final publication of such notice, will consider and act upon the advisability of so purchasing and acquiring the lands described in such notice, to be owned, held, and maintained by such county for a permanent public forest. Such notice shall be and constitute notice of the pendency of such proceedings as may be had upon the matter under consideration, as described in said notice, to all taxpayers of such county, whether resident or nonresident.

COUNTY FORESTRY FUND—RAISED BY TAXATION

Section 3. Upon the date named in such notice or any adjournment thereof the Fiscal Court shall consider the advisability of purchasing and acquiring the lands described in said notice given as required in Section 2 of this act, to be owned, held, and maintained by such county for a permanent public forest and if deemed advisable by said Fiscal Court then said Court may make an order for the purchase of the lands described in said notice, fixing the amount to be paid therefor, which payment shall be made from the county forestry fund, raised by taxation in the manner provided in this act. The amount to be paid for the purchase and acquisition of such lands shall not exceed the amount contained in said county forestry fund at said time and available for the purchase of said lands.

FISCAL COURTS BUDGET COMMISSION—TAX LEVY —APPROPRIATIONS

Section 4. Upon the estimate and recommendation of the Fiscal Court, the Budget Commission at the time of fixing the rate of the tax levies and making the appropriations for said county, shall fix a tax levy which shall be uniform throughout the county for the purpose of creating and maintaining a county forestry fund and may make appropriations

from such fund for the purchase and acquisition by the Fiscal Court of lands to be owned, held, and maintained by such county for a permanent public forest.

GIFTS — ACCEPTANCE — CONDITION — APPROVAL OF MAJORITY OF FISCAL COURT MEMBERS.

Section 5. If any lands shall be given or devised to any county, with the condition that such lands so given or devised shall be owned, held, and maintained by such county for the purpose of a permanent public forest, such county shall not accept the gift or devise of such lands unless the majority of the members of the Fiscal Court shall approve, the acceptance of such gift or devise.

PLANT TO TREES WITHIN PERIOD OF TEN YEARS — TAXATION — REVENUE SHALL ACCRUE TO USE OF COUNTY — UPKEEP — ADDITIONAL LANDS

Section 6. Any land which shall be acquired by any county for the purpose of a permanent public forest under the provisions of this act, if not growing in timber at the time of acquisition, shall be planted to trees within a period of ten years after being acquired and any county is hereby empowered to raise a sufficient sum by taxation to reforest any such land within the required period of time. All revenue derived from such forest land by the sale of timber or otherwise shall accrue to the use of the county owning and holding such land. Such revenue shall be applied first to the upkeep and maintenance of such public forest and secondly for the purchase and acquisition of such additional lands as shall be determined upon by said Fiscal Court and the remainder of such revenue shall be used by the county owning and holding such forest land as the Fiscal Court shall determine from year to year.

LANDS PROTECTED — HAZARDS — LANDS OPEN TO USE OF PUBLIC FOR RECREATIONAL PURPOSES — CONDITION

Section 7. All lands acquired under the provisions of this act shall be protected at all times, as far as possible, from fire and grazing, and shall be kept and maintained as a per-

manent public forest, and the timber growing thereon shall be cut in accordance with approved forestry methods and in such manner as to perpetuate succeeding stands of trees. All such forest lands shall be open to the use of the public for recreational purpose so far as such recreational purposes do not interfere with, or prevent the use of, such lands to the best advantage as a public forest.

SUPERVISION OF FISCAL COURTS — PROPERLY PROTECT AND CARE FOR FORESTS — DIVISION OF FORESTRY — EXCESS COSTS OF MAINTAINING, NOW PAID

Section 8. Such public forests shall be under the supervision of the Fiscal Court and it is hereby authorized and empowered, either separately or in cooperation with other boards or commissions, to employ necessary and competent supervisors and laborers to properly protect and care for such forests and to perform the necessary duties connected therewith and any county owning and holding land as a public forest shall at all times have the privilege of obtaining the advice, counsel and cooperation of the division of forestry in the Department of Conservation in the planting of trees, the marketing of timber, the prevention of fires, and in any matter that may pertain to the efficient maintenance of such public forest. If the cost of maintaining any such public forest shall at any time exceed the amount of revenue derived from such forest, such excess shall be paid out of the forestry fund of such county, created and raised by taxation under the provisions of this act.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	C. L. Hammonds	Rodes K. Myers
Roy W. Arnold	Harold G. Helm	Louis T. Peniston
F. O. Baker	E. R. Hilton	L. W. Preston
Harold L. Barnes	Clyde S. Howard	E. F. Prichard
F. H. Bassett, Jr.	Maurice Howard	Wade H. Riley
Ott Begley	Jerry F. Howell	Kelse H. Risner
W. G. Biggers	J. J. Huff	J. W. Simmons
B. J. Bonn	Ira W. Hulette	Forrest Smith
J. C. Bradley	Paul Jonas	W. R. Smith
B. K. Brantley	L. H. Jones	Paul J. Stapleton
John Y. Brown	Edgar Kitchen	C. W. Taylor
Mrs. Mary Burnett	Homer E. Losey	E. L. Thompson
Chas. W. Burnley	A. L. Love	Ray G. Tipton
W. K. Coleman	H. K. Lowman	E. N. Todd
S. J. Daugherty	E. H. Martin	Walter L. Trivette
L. A. Demumbrun	W. E. McClure	S. J. Wagner
E. R. Denny	Jack McPherron	Harry F. Walters
G. I. Drury	Harry L. Moore	Lyle H. Webb
Forest C. Easley	J. Lee Moore	W. W. Webster
Eck Embry	Fred Morgan	Geo. J. Weining
Henry J. Giles	Joe T. Morgan	—62

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 516. An Act relating to public printing.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 57.020 of the Kentucky Statutes is amended to read as follows:

(1) The Superintendent of Public Printing shall superintend all printing done by the contractors for the state printing, and shall specify the kind and style of paper, the type to be used, and the style of printing and binding, including the multiple printing of forms in large quantities according to standard size of sheets available, subject to specifications furnished by the Department of Finance. He shall make a monthly statement to the Department of Finance of the amount and kind of printing done by the state printing contractors and shall prepare a biennial statement of all work done under the state printing contract. The biennial statement shall be made a part of the report of the Department of Finance to the General Assembly.

(2) He shall superintend all printing, binding, engraving, lithographing or other work of this nature required by the state that is not included in the state printing contracts, and the Department of Finance may require him to contract for the performance of such work, either with the state printing contractors or with some other printer who is in his judgment qualified to perform the work. Qualification to perform the work shall include proof that the printer has adequate equipment or will have at the time the work is to be performed. The printer so contracted with shall give to the Department of Finance such bond as it requires for the performance of the contract.

(3) He shall keep his office in Frankfort and shall at all times be under the supervision of the Department of Finance.

§ 2. A new section of the statutes is created, to be numbered KRS 57.045 and to read as follows:

Any state educational institution that has an established printing plant therein for the instruction of students in printing may produce printing of any class for the institution, but not for any outside agency. The rates charged for this printing shall not be in excess of the rates established by this chapter.

§ 3. Section 57.090 of the Kentucky Revised Statutes is amended to read as follows:

The bids shall be sealed, addressed and delivered to the Division of Purchases and Public Properties, and shall be

endorsed "Proposals for the Public Printing and Binding and Furnishing Stationery." The division shall carefully keep them until they are opened according to KRS 57.110.

§ 4. Section 57.100 of the Kentucky Revised Statutes is amended to read as follows:

Each bidder shall accompany his bid with a bond to the state, with sufficient surety approved by the Governor, in the sum of ten thousand dollars, conditioned that he will accept the contract, and will promptly, faithfully and skillfully perform the work if awarded to him, and conditioned further that, if the contract is awarded to him and he does not accept it, he will be liable to the state for the difference between the amount of his bid and the amount of the bid of the person to whom the contract is later awarded. No contract shall be awarded to any bidder failing to file the bond required by this section.

§ 5. Subsection (1) of Section 57.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) Within thirty days after the expiration of the time for receiving bids, the Department of Finance shall open all bids, and publicly award the contract for each class to the bidder whose proposal is found to be the lowest and best, not to exceed the rates fixed by KRS 57.220 to 57.260. No contract shall be awarded to a bidder unless he furnishes proof that he has adequate equipment to perform the work or will have such equipment when the work is to be performed.

Sec. 6. A new section of the statutes is created, to be numbered KRS 57.185 and to read as follows:

The Superintendent of Public Printing shall at all times have access to the plant of each contractor for any class or kind of public printing, and shall be permitted to inspect the work as it progresses through the plant.

Sec. 7. Section 57.190 of the Kentucky Revised Statutes is repealed.

Sec. 8. Subsection (1) of Section 57.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) For all composition, in any kind of type, except bills, blanks and miscellaneous printing, the rates per one thousand ems shall not exceed the following:

(a) Plain or book composition, sixty cents.

(b) Column matter, in three or more columns, depending upon each other, and reading across the page, without rules, one dollar.

(c) Rule, figure work, tabulated, indexing and side notes, one dollar and fifty cents.

(d) Original composition transferred from one document to another of whatever character, including leading or unleading, over-running, changing head or foot line and making up forms, 25c for each form so changed of whatever size.

Sec. 9. Section 57.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The maximum rates for presswork on book, pamphlet or similar work shall be $2.50 per thousand impressions on full size sheets of twenty-five inches by thirty-eight inches or less, and $3.50 per thousand impressions on full size sheets of twenty-eight inches by forty-two inches or more.

(2) Presswork on all forms other than book work, pamphlets and similar forms shall be at the rate of $1.50 per thousand impressions or less regardless of the number of forms that can be printed on a full size sheet of card board or paper suitable for the purpose.

(3) The maximum rates for folding one or more folds when one operation shall be $3.00 for the first one thousand copies, and $2.00 for each additional thousand.

Sec. 10. Section 57.250 of the Kentucky Revised Statutes is amended to read as follows:

Maximum rates for binding (including sewing) shall be as follows:

(1) For paper covers, including composition, presswork and putting on books, documents and publications, for one hundred copies, one dollar and fifty cents.

(2) For half-binding with leather back and paper sides, and titles lettered with gold leaf, per volume 50.

(3) For full binding, per volume.

(a) Law skiver binding, ninety cents.

(b) Law sheep binding, one dollar and twenty cents.

(c) Law calf binding, one dollar and fifty cents.

(4) For cloth binding with plain, gilded or embossed lettering on sides or backs, per volume 50c.

(5) The words "public property," "property of the state," "state library," or the like shall be put in and on books without extra charge.

Mr. Bassett offered the following amendment to said bill, viz.:

Amend H. B. 516 on page 3, sec. 6 by striking out Sec. 6 which is on page 3 of printed bill.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Adron Doran	W. E. McClure
Roy W. Arnold	G. I. Drury	Jack McPherron
F. O. Baker	M. B. Gilligan	Harry L. Moore
Harold L. Barnes	C. L. Hammonds	J. L. Moore
F. H. Bassett, Jr.	E. R. Hilton	J. Lee Moore
W. G. Biggers	Clyde S. Howard	Fred Morgan
B. J. Bonn	Maurice Howard	Louis T. Peniston
J. C. Bradley	Ira W. Hulette	Sylvester Phillips
B. K. Brantley	Paul Jonas	L. W. Preston
John Y. Brown	B. F. Kincaid	E. F. Prichard
Mrs. Mary Burnett	Edgar Kitchen	Kelse H. Risner
Chas. W. Burnley	Homer E. Losey	J. W. Simmons
W. K. Coleman	A. L. Love	Forrest Smith
S. J. Daugherty	E. H. Martin	W. R. Smith

Paul J. Stapleton	Ray G. Tipton	Harry F. Walters
Ralph G. Stone	E. N. Todd	Morris Weintraub
C. W. Taylor	Walter L. Trivette	John Wilborn
E. L. Thompson	S. J. Wagner	—53

Those who voted in the negative were—

Rodes K. Myers	Wade H. Riley	—2

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 461. An Act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the statutes is created, to be numbered KRS 244.085 and to read as follows:

(1) No person under the age of twenty-one years shall enter any premises licensed for the sale of alcoholic beverages at retail for the purpose of purchasing or having served or delivered to him, any alcoholic beverages.

(2) No person under the age of twenty-one years shall purchase or attempt to purchase or have another person purchase, procure or obtain for him, any alcoholic beverages at any premises licensed for the sale of alcoholic beverage at retail.

(3) No person under the age of twenty-one shall misrepresent his age for the purpose of inducing any retail licensee of alcoholic beverages, or any employe of such licensee, to sell or serve any alcoholic beverages to him.

(4) No person shall purchase or procure for, or give or deliver to, a person under the age of twenty-one years, any alcoholic beverages.

(5) Every retail licensee shall display at all times, in a prominent place in the licensed premises, a printed card reading as follows:

"WARNING TO MINORS

You are subject to fine or imprisonment, or both, under the laws of Kentucky, if you enter premises where alcoholic beverages are sold, to purchase alcoholic beverages, or if you purchase alcoholic beverages, or misrepresent your age for the purpose of purchasing or obtaining alcoholic beverages."

(6) Any person who violates any provision of this section shall be subject to the penalties prescribed in subsection (1) of KRS 244.990.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	S. J. Daugherty	Ira W. Hulette
Roy W. Arnold	L. A. Demumbrun	Paul Jonas
F. O. Baker	Adron Doran	L. H. Jones
Harold L. Barnes	G. I. Drury	Edgar Kitchen
F. H. Bassett, Jr.	Forest C. Easley	A. L. Love
Ott Begley	Eck Embry	H. K. Lowman
W. G. Biggers	M. B. Gilligan	E. H. Martin
B. J. Bonn	C. L. Hammonds	Jack McPherron
J. C. Bradley	Harold G. Helm	Harry L. Moore
B. K. Brantley	Clyde S. Howard	J. L. Moore
John Y. Brown	Maurice Howard	J. Lee Moore
Mrs. Mary Burnett	Jerry F. Howell	Fred Morgan
W. K. Coleman	J. J. Huff	Joe T. Morgan

Rodes K. Myers	Forrest Smith	E. N. Todd
Louis T. Peniston	W. R. Smith	Walter L. Trivette
E. F. Prichard	Paul J. Stapleton	Harry F. Walters
Wade H. Riley	C. W. Taylor	Lyle H. Webb
Kelse H. Risner	E. L. Thompson	W. W. Webster
J. W. Simmons	Ray G. Tipton	John Wilborn

—57

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 476. An Act amending Sec. 247.155 KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 247.155 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

It shall be unlawful for any person to open, cause to be opened, carry on, conduct or operate as owner, proprietor or employe any gambling device or game of chance within the confines of the grounds of the Kentucky State Fair, during the period the State Fair is being held. Any person who violates any provision of this section shall be fined not less than fifty dollars nor more than five hundred dollars for each offense. Each day in which a gambling device or game of chance is so operated shall be considered a separate offense.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	C. L. Hammonds	J. C. Newcomb
Roy W. Arnold	Harold G. Helm	Louis T. Peniston
F. O. Baker	E. R. Hilton	L. W. Preston
Harold L. Barnes	Clyde S. Howard	E. F. Prichard
F. H. Bassett, Jr.	Maurice Howard	Wade H. Riley
Ott Begley	Jerry F. Howell	Kelse H. Risner
W. G. Biggers	J. J. Huff	J. W. Simmons
B. J. Bonn	Ira W. Hulette	Forrest Smith
J. C. Bradley	L. H. Jones	W. R. Smith
B. K. Brantley	B. F. Kincaid	Paul J. Stapleton
John Y. Brown	G. O. Kirkpatrick	Ralph G. Stone
Mrs. Mary Burnett	Edgar Kitchen	C. W. Taylor
Chas. W. Burnley	Homer E. Losey	E. L. Thompson
Alex. H. Calvert	A. L. Love	Ray G. Tipton
W. K. Coleman	H. K. Lowman	Walter L. Trivette
Adron Doran	E. H. Martin	S. J. Wagner
G. I. Drury	W. E. McClure	Harry F. Walters
Forest C. Easley	Jack McPherron	Lyle H. Webb
Eck Embry	Harry L. Moore	W. W. Webster
A. H. Eversole	J. Lee Moore	Geo. J. Weining
M. B. Gilligan	Joe T. Morgan	Lawrence Wells
Otto W. Goff	Rodes K. Myers	John Wilborn
R. M. Hall		—67

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 431. An Act relating to public works and improvements.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In any city of any class, in any case where all or part of the cost of constructing or improving a public way, sewer, sewerage system or water line is authorized to be assessed against abutting or benefited property, any such assessment shall be valid, in the case of vacant or unimproved lots or parcels of real estate, to the extent it does not exceed seventy-five percent of the value of the lot or parcel, and, in the case of lots or parcels on which there is a dwelling or similar improvement or appurtenance, to the extent it does not exceed fifty percent of the value of such lot or parcel with such dwelling or similar improvement or appurtenance; in both cases the value of the improvement for which the assessment is made shall be taken into consideration in fixing the value of the property. This section is intended to supersede any existing statute otherwise providing.

§ 2. In any city of any class, in any case where all or any part of the cost of constructing or improving a sewer or sewerage system is assessed, according to law, upon abutting property in accordance with the number of front or abutting feet, any lot or parcel of real estate which abuts upon the public way under or along which the sewer is constructed shall, if the sewer extends to and reaches either property line of such lot or parcel on such public way so as to be available for service to such lot or parcel, be assessable according to the total number of feet of such lot or parcel that front or abut upon such public way, the same as if the sewer extended across the entire frontage of such lot or parcel. For the purposes of this section, any piece of real estate occupied and used as the grounds and yard area of a single dwelling shall be deemed to be one lot or parcel, notwithstanding that the same may be platted as separate lots.

§ 3. In any city of any class, if any assessment or assessment installment for a public improvement is not paid when due, the official charged by law with the duty of collecting or receiving payment of the same shall cause the amount thereof, including penalties and interest, to be placed upon the next tax bill for general city taxes, and the official

charged with the duty of collecting the general city taxes shall collect the same at the same time and in the same manner as he collects the general city taxes. The assessment or assessment installment, with penalties and interest, so placed upon the tax bill, shall have the same status and lien as general city taxes, and no distinction or priority shall exist between the same and the general city taxes in the collection thereof. This section is intended to supersede any existing statute otherwise providing.

§ 4. In any city of any class, it may be provided, in the ordinance by which the cost of improving or constructing any water line or street is apportioned to abutting or benefited property, that in the case of corner lots along the side of which such an improvement extends, any such corner lot, to the extent its side footage along which the improvement extends does not exceed one hundred and seventy feet, shall be assessable only for one-half of such footage, and in apportioning the cost of such improvement to the various property owners, one-half of the footage of such corner lots shall not be counted as assessable footage.

§ 5. In any city of any class, it may be provided, in any ordinance providing for the construction or improvement of a street, that the cost of intersections be assessed against the benefited property on either or both of the intersecting streets.

§ 6. Any city may provide for the construction or improvement of more than one street in the same ordinance, and let a contract accordingly, provided that the improvements, including the intersections, on all of the streets included in such ordinance, are to be of the same type of construction.

Mr. Weintraub offered the following amendment to said bill, viz.:

Amend H. B. 431 on page 2, sec. 2, line 9 by inserting, after the word "way" in line 9, the words "and that are capable of being served by the sewer, but in no event to exceed seventy-five feet beyond the end of the sewer line."

Said amendment was agreed to.

Ordered that said bill be engrossed, and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	C. L. Hammonds	Fred Morgan
Harold L. Barnes	E. R. Hilton	Louis T. Peniston
F. H. Bassett, Jr.	Maurice Howard	Sylvester Phillips
W. G. Biggers	Jerry F. Howell	E. F. Prichard
B. J. Bonn	Ira W. Hulette	Kelse H. Risner
J. C. Bradley	Paul Jonas	J. W. Simmons
B. K. Brantley	B. F. Kincaid	Forrest Smith
John Y. Brown	Edgar Kitchen	Paul J. Stapleton
Chas. W. Burnley	H. K. Lowman	Ralph G. Stone
W. K. Coleman	E. H. Martin	E. L. Thompson
Adron Doran	W. E. McClure	E. N. Todd
G. I. Drury	Jack McPherron	Geo. J. Weining
M. B. Gilligan	Harry L. Moore	Morris Weintraub
R. M. Hall	J. L. Moore	—41

Those who voted in the negative were—

Ott Begley	L. H. Jones	W. R. Smith
E. R. Denny	Homer E. Losey	Ray G. Tipton
Eck Embry	A. L. Love	Lyle H. Webb
A. H. Eversole	Joe T. Morgan	Lawrence Wells
Clyde S. Howard	Wade H. Riley	John Wilborn
J. J. Huff		—16

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 524. An Act making an appropriation to carry out provisions of KRS 171.050 (5)

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund in the State Treasury, to the Legislative and Law Library of the Department of Library and Archives, for each of the fiscal years 1946-1947 and 1947-1948, the sum of $5,000.00 to carry out the mandatory provisions of KRS 171.050 (5) requiring the cataloging of the Legislative and Law Library.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	S. J. Daugherty	E. R. Hilton
F. H. Bassett, Jr.	L. A. Demumbrun	Maurice Howard
Ott Begley	E. R. Denny	Jerry F. Howell
W. G. Biggers	G. I. Drury	J. J. Huff
B. J. Bonn	Forest C. Easley	Ira W. Hulette
J. C. Bradley	Eck Embry	B. F. Kincaid
B. K. Brantley	A. H. Eversole	G. O. Kirkpatrick
John Y. Brown	M. B. Gilligan	Edgar Kitchen
Mrs. Mary Burnett	R. M. Hall	Homer E. Losey
Chas. W. Burnley	C. L. Hammonds	H. K. Lowman
W. K. Coleman	Harold G. Helm	E. H. Martin

W. E. McClure	L. W. Preston	Ray G. Tipton
Jack McPherron	E. F. Prichard	E. N. Todd
Harry L. Moore	Kelse H. Risner	Walter L. Trivette
J. L. Moore	J. W. Simmons	Harry F. Walters
J. Lee Moore	Forrest Smith	Lyle H. Webb
Fred Morgan	W. R. Smith	W. W. Webster
Joe T. Morgan	Paul J. Stapleton	Geo. J. Weining
J. C. Newcomb	Ralph G. Stone	Morris Weintraub
Louis T. Peniston	C. W. Taylor	Lawrence Wells
Sylvester Phillips	E. L. Thompson	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 447. An Act relating to the licensing of motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 186.060, subsection (1), of the Kentucky Revised Statutes, (section 2739g-7, Carroll's Kentucky Statutes, Baldwin's 1936 Revision), is amended to read as follows:

(1) Applications for registration of motor vehicles owned exxclusively by county, city or board of education in the state or by the State or Federal government shall be accompanied by a statement from the head of the department of the governmental unit that owns the motor vehicle, certifying that the motor vehicle is exclusively owned and operated by the governmental unit. The application and statement shall be forwarded by the county clerk to the department, which shall give special authority to the clerk to register it. Upon

receiving that authority the clerk shall issue a registration receipt and number plate and report the registration to the head of the department authorizing the registration. For his services in issuing such certificate of registration and number plate and reporting the same the county clerk shall be entitled to a fee of fifty cents ($.50) in each instance, to be paid by the department upon whose authorization such license was issued.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Ira W. Hulette	Kelse H. Risner
Harold L. Barnes	Paul Jonas	J. W. Simmons
F. H. Bassett, Jr.	B. F. Kincaid	Forrest Smith
W. G. Biggers	G. O. Kirkpatrick	W. R. Smith
B. J. Bonn	H. K. Lowman	Paul J. Stapleton
B. K. Brantley	E. H. Martin	Ralph G. Stone
John Y. Brown	W. E. McClure	C. W. Taylor
Mrs. Mary Burnett	Jack McPherron	Ed L. Thompson
Chas. W. Burnley	Harry L. Moore	Ray G. Tipton
W. K. Coleman	J. L. Moore	E. N. Todd
L. A. Demumbrun	J. Lee Moore	Walter L. Trivette
G. I. Drury	Fred Morgan	Harry F. Walters
M. B. Gilligan	J. C. Newcomb	W. W. Webster
R. M. Hall	Louis T. Peniston	Geo. J. Weining
C. L. Hammonds	E. F. Prichard	Morris Weintraub
Maurice Howard	Wade H. Riley	John Wilborn
Jerry F. Howell		

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Those who voted in the negative were—

Ott Begley	J. J. Huff	Joe T. Morgan
E. R. Denny	L. H. Jones	Lyle H. Webb
Eck Embry	A. L. Love	Lawrence Wells
A. H. Eversole		

—10

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 425. An Act relating to the canvass and certification of votes where voting machines are used.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 125.190 of the Kentucky Revised Statutes is amended to read as follows:

The canvass and returns provided for in KRS 125.150 shall constitute the official returns of the precinct, unless within 48 hours after the close of the polls a candidate shall in writing request the County Election Commission to check and recanvass the voting machines of any precinct or any number of precincts. When such a request has been made the Election Commission shall immediately assemble and recheck and recanvass each machine and make a proper return thereof to the County Court Clerk, in which event the canvass and return shall become the official returns for the election. In making the recanvass the board shall make a record of the number of the seal upon the voting machine and without unlocking the machine against voting, recanvass the vote cast thereon. If, upon a recanvass, it is found that the original canvass of the returns has been correctly made from the machine, and that there still remains a discrepancy unaccounted for, the board with the assistance of the County Clerk, shall unlock the voting and counting mechanism of the machine, and shall proceed thoroughly to examine and test the machine to determine and reveal the true cause, if any, of the discrepancy in returns of the machine. Each registered counter shall be

reset at zero before it is tested, after which it shall be operated at least one hundred times. After the completion of the examination and test, the county clerk shall then and there prepare a statement, in writing, giving in detail the result of the examination and test, the County Clerk shall then and there prepare a statement, in writing, giving in detail the result of the examination and test and statement shall be witnessed by the persons present, and shall be filed with the board. If, upon recanvass, it appears that the original canvass of the returns by the election officers was incorrect, the returns and all papers being prepared by the board shall be corrected accordingly, except that there shall be no change in the vote of any candidate from that originally certified unless such candidate was actually notified.

At the recanvass, each political party represented on the board may appoint a representative there to be its governing body, and also each candidate to be voted for may be present either in person or by a representative or both.

Mr. Stone offered the following amendment to said bill, viz.:

Amend H. B. 425 on page 1, sec. 1, line 4 by striking the numerals "48" and inserting in lieu thereof the numerals "96"

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Harold G. Helm	Fred Morgan
F. O. Baker	E. R. Hilton	Joe T. Morgan
Harold L. Barnes	Clyde S. Howard	Rodes K. Myers
F. H. Bassett, Jr.	Maurice Howard	Louis T. Peniston
Ott Begley	Jerry F. Howell	Sylvester Phillips
W. G. Biggers	J. J. Huff	L. W. Preston
B. J. Bonn	Ira W. Hulette	E. F. Prichard
J. C. Bradley	Paul Jonas	Wade H. Riley
B. K. Brantley	L. H. Jones	Kelse H. Risner
John Y. Brown	B. F. Kincaid	J. W. Simmons
Chas. W. Burnley	G. O. Kirkpatrick	W. R. Smith
W. K. Coleman	Edgar Kitchen	Paul J. Stapleton
S. J. Daugherty	Homer E. Losey	Ralph G. Stone
L. A. Demumbrun	A. L. Love	E. L. Thompson
G. I. Drury	H. K. Lowman	Ray G. Tipton
Forest C. Easley	E. H. Martin	E. N. Todd
Eck Embry	W. E. McClure	Walter L. Trivette
A. H. Eversole	Jack McPherron	S. J. Wagner
M. B. Gilligan	Harry L. Moore	W. W. Webster
R. M. Hall	J. L. Moore	John Wilborn
C. L. Hammonds	J. Lee Moore	—62

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Howell of the Committee on Rules moved that the House do now recess until eight o'clock p. m.

Said motion was agreed to.

And then the House recessed.

The hour of eight o'clock p. m. having arrived, the Speaker resumed the Chair and called the House to order.

The Enrolling Clerk of this House delivered the original and enrolled copies of a bill entitled:

H. B. 124. An Act appropriating money for the maintenance, operation and functioning of the State Government for the fiscal years ending June 30, 1947 and June 30, 1948.

Which was signed by the Speaker of the House on March 15,

Duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

A message was received from the Senate announcing that they had passed a bill which had originated in this House, entitled:

H. B. 517. An Act appropriating money out of the General Expenditure Fund to supply a deficiency in appropriation for legislative session for fiscal year 1945-46.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the Instance of the Committee on Rules, the House took up for consideration a bill entitled:

H. B. 107. An Act relating to city officials; providing for election of city attorney in cities of the fourth class.

With a Veto Message and the Governor's reasons therefor,

Which was reported to this House by the Executive Secretary on March 12.

(For bill and Veto Message from the Governor see House Journal of March 12)

Mr. Howell moved that the House do now reconsider said bill, the objections and veto of the Governor to the contrary notwithstanding.

Said motion was agreed to.

After such reconsideration, the question was taken upon the passage of said bill, the objections and veto of the Governor to the contrary notwithstanding and it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, the objections and veto of the Governor to the contrary notwithstanding, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	L. W. Preston
F. O. Baker	Clyde S. Howard	E. F. Prichard
Harold L. Barnes	Maurice Howard	Wade H. Riley
F. H. Bassett, Jr.	Jerry F. Howell	Kelse H. Risner
W. G. Biggers	Ira W. Hulette	Amos Runyan
B. J. Bonn	Paul Jonas	J. W. Simmons
J. C. Bradley	B. F. Kincaid	Luther Slusher
John Y. Brown	Edgar Kitchen	Forrest Smith
Mrs. Mary Burnett	A. L. Love	W. R. Smith
Chas. W. Burnley	H. K. Lowman	Paul J. Stapleton
Alex. H. Calvert	F. G. Marquette	Geo. W. Steinford
W. K. Coleman	E. H. Martin	Ralph G. Stone
S. J. Daugherty	W. E. McClure	E. L. Thompson
Adron Doran	Jack McPherron	E. N. Todd
G. I. Drury	J. L. Moore	Walter L. Trivette
Forest C. Easley	J. Lee Moore	S. J. Wagner
Henry J. Giles	E. C. Mullins	Harry F. Walters
M. B. Gilligan	J. C. Newcomb	W. W. Webster
Otto W. Goff	Thos. A. Noe	Morris Weintraub
R. M. Hall	Joe E. Nunn	John Wilborn
C. L. Hammonds	Louis T. Peniston	Mr. Speaker

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Those who voted in the negative were—

Roy W. Arnold	A. H. Eversole	Joe T. Morgan
Henry Arrowood	Harold G. Helm	Sylvester Phillips
Ott Begley	J. J. Huff	L. S. Stephens
B. K. Brantley	L. H. Jones	C. W. Taylor
L. A. Demumbrun	G. O. Kirkpatrick	Ray G. Tipton
E. R. Denny	Homer E. Losey	Lyle H. Webb
Bernie S. Edlin	E. J. Lucas	Lawrence Wells
Eck Embry	Harry L. Moore	—23

Mr. Prichard moved that the vote by which said bill was passed, the objections and veto of the Governor to the contrary notwithstanding, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that the Chief Clerk report the action of this House to the Senate.

At the instance of the Committee on Rules the House took up for consideration a bill entitled:

H. B. 397. An Act relating to classified service in cities of the first class.

Together with a veto message from the Governor and his reasons therefor.

Which was reported to this House by the Executive Secretary on March 14.

(For bill and veto message from the Governor see House Journal of March 14)

Mr. Howell moved that the House do now reconsider said bill, the objections and veto of the Governor to the contrary notwithstanding.

Said motion was agreed to.

After such reconsideration, the question was taken upon the passage of said bill, the objections and veto of the Governor to the contrary notwithstanding, and it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, the objections and veto of the Governor to the contrary notwithstanding, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Otto W. Goff	L. W. Preston
F. O. Baker	R. M. Hall	E. F. Prichard
Harold L. Barnes	Clyde S. Howard	Kelse H. Risner
F. H. Bassett, Jr.	Jerry F. Howell	Amos Runyan
W. G. Biggers	Ira W. Hulette	J. W. Simmons
B. J. Bonn	Paul Jonas	Luther Slusher
J. C. Bradley	Edgar Kitchen	Forrest Smith
John Y. Brown	A. L. Love	W. R. Smith
Mrs. Mary Burnett	H. K. Lowman	Paul J. Stapleton
Chas. W. Burnley	F. G. Marquette	Geo. W. Steinford
Alex. H. Calvert	E. H. Martin	Ralph G. Stone
W. K. Coleman	W. E. McClure	E. L. Thompson
S. J. Daugherty	Jack McPherron	E. N. Todd
Adron Doran	J. L. Moore	Walter L. Trivette
G. I. Drury	J. Lee Moore	S. J. Wagner
Forest C. Easley	Thos. A. Noe	Harry F. Walters
Henry J. Giles	Joe E. Nunn	Morris Weintraub
M. B. Gilligan	Louis T. Peniston	Mr. Speaker

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Those who voted in the negative were—

C. W. Anderson	Harold G. Helm	J. C. Newcomb
Henry Arrowood	Maurice Howard	Sylvester Phillips
Ott Begley	J. J. Huff	Wade H. Riley
B. K. Brantley	L. H. Jones	L. S. Stephens
L. A. Demumbrun	G. O. Kirkpatrick	C. W. Taylor
E. R. Denny	Homer E. Losey	Ray G. Tipton
Bernie S. Edlin	E. J. Lucas	Lyle H. Webb
Eck Embry	Harry L. Moore	Lawrence Wells
A. H. Eversole	Joe T. Morgan	Rodney Whitlow
C. L. Hammonds		

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Mr. Coleman moved that the vote by which said bill was passed, the objections and veto of the Governor to the contrary notwithstanding, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that the Chief Clerk report the action of this House to the Senate.

At the instance of the Committee on Rules, the House took up for reconsideration from the Clerk's desk a bill entitled:

H. B. 459. An Act relating to the strip mining of coal.

(For bill see House Journal of March 15)

The vote by which said bill was rejected, having been reconsidered and said bill having been read the third time,

Said bill was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	R. M. Hall	Wade H. Riley
Harold L. Barnes	E. R. Hilton	Kelse H. Risner
F. H. Bassett, Jr.	Clyde S. Howard	J. W. Simmons
W. G. Biggers	Jerry F. Howell	Luther Slusher
B. J. Bonn	Ira W. Hulette	W. R. Smith
B. K. Brantley	Paul Jonas	Paul J. Stapleton
John Y. Brown	B. F. Kincaid	Ralph G. Stone
Mrs. Mary Burnett	Homer E. Losey	C. W. Taylor
Chas. W. Burnley	H. K. Lowman	E. L. Thompson
Alex. H. Calvert	E. J. Lucas	E. N. Todd
W. K. Coleman	E. H. Martin	S. J. Wagner
S. J. Daugherty	W. E. McClure	Morris Weintraub
Adron Doran	Jack McPherron	Lawrence Wells
Forest C. Easley	J. L. Moore	John Wilborn
M. B. Gilligan	Thos. A. Noe	—44

Those who voted in the negative were—

E. R. Denny	G. O. Kirkpatrick	E. C. Mullins
G. I. Drury	Edgar Kitchen	Joe E. Nunn
A. H. Eversole	A. L. Love	Amos Runyan
Henry J. Giles	Harry L. Moore	Geo. W. Steinford
Otto W. Goff	J. Lee Moore	L. S. Stephens
L. H. Jones	Joe T. Morgan	Lyle H. Webb

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Howell of the Committee on Rules, moved that the vote by which a bill entitled:

H. B. 508. An Act providing for a commission to make a factual survey of the Kentucky educational system

Was rejected on March 15,

Be Reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, said bill was passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	J. C. Bradley	Forest C. Easley
Henry Arrowood	John Y. Brown	Henry J. Giles
F. O. Baker	Mrs. Mary Burnett	M. B. Gilligan
Harold L. Barnes	Chas. W. Burnley	Otto W. Goff
F. H. Bassett, Jr.	W. K. Coleman	R. M. Hall
W. G. Biggers	S. J. Daugherty	E. R. Hilton
B. J. Bonn	Adron Doran	Clyde S. Howard

Jerry F. Howell	E. C. Mullins	Paul J. Stapleton
Ira W. Hulette	Thos. A. Noe	Ralph G. Stone
Paul Jonas	Louis T. Peniston	C. W. Taylor
Edgar Kitchen	L. W. Preston	E. L. Thompson
Homer E. Losey	E. F. Prichard	E. N. Todd
A. L. Love	Wade H. Riley	Walter L. Trivette
H. K. Lowman	Kelse H. Risner	S. J. Wagner
E. J. Lucas	Amos Runyan	Harry F. Walters
F. G. Marquette	J. W. Simmons	W. W. Webster
E. H. Martin	Luther Slusher	Morris Weintraub
W. E. McClure	Forrest Smith	John Wilborn
Jack McPherron	W. R. Smith	Mr. Speaker
J. Lee Moore		

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Those who voted in the negative were—

Roy W. Arnold	Harold G. Helm	J. L. Moore
L. A. Demumbrun	L. H. Jones	J. C. Newcomb
E. R. Denny	B. F. Kincaid	L. S. Stephens
G. I. Drury	G. O. Kirkpatrick	Ray G. Tipton
A. H. Eversole	Harry L. Moore	Lyle H. Webb

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Resolved that the title thereof be as aforesaid.

Mr. Doran moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Howell of the Committee on Rules, moved that the vote by which a bill entitled:

H. B. 41. An Act relating to the classification of cities.

Was passed on today, as amended,

Be reconsidered.

(For bill with amendments thereto as proposed and adopted by the Senate, see House Journal of today ante)

Said motion was agreed to.

Thereafter such reconsideration, Mr. Howell moved that the vote by which the House concurred in Senate amendment No. 2, be reconsidered.

Said motion was agreed to.

Thereafter, such reconsideration, Mr. Howell moved that the House do now refuse to concur in Amendment No. 2 as proposed and adopted by the Senate.

Said motion was agreed to.

Thereupon the House refused to concur in Senate amendment No. 2.

Ordered that the Chief Clerk report the action of this House to the Senate.

Mr. Runyon of the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills and resolutions entitled:

H. B. 259. An Act relating to hospital service corporations.

H. B. 457. An Act relating to property subject to ad valorem taxes.

H. B. 241. An Act relating to billiard and pool rooms.

H. B. 439. An Act relating to representative districts.

H. B. 432. An Act relating to alcoholic beverages.

H. B. 118. An Act relating to advancement against compensation to county tax commissioners in counties containing city of first class.

H. B. 234. An Act relating to medical scholarships.

H. B. 111. An Act relating to registered nurses.

H. B. 369. An Act relating to retirement of teachers in non-educational State Institutions.

H. B. 315. An Act relating to swine.

H. Res. 28. Resolution providing for payment of per diem of the late J. T. Linton.

H. Res. 46. Resolution authorizing payment of witness claims to O. D. Williams.

H. Res. 104. Resolution naming a bridge in Warren County as memorial to Emery G. Dent.

H. B. 485. An Act relating to aviation.

H. B. 517. An Act appropriating money out of General Expenditure Fund to supply a deficiency in legislative appropriation.

H. B. 138. An Act relating to rural electric cooperative corporations.

H. B. 433. An Act to promote safe driving.

H. Res. 54. Resolution authorizing payment of claims to Ezra Beach, J. W. Connolley and Vol Lowe.

H. B. 454. An Act relating to marriage.

H. B. 309. An Act relating to Senatorial Districts.

S. Res. 5. Resolution providing for the purchase of 550 copies of Kentucky Directory.

S. Res. 31. Resolution authorizing D. G. Young to sue the Commonwealth.

S. Res. 49. Resolution authorizing Henry Grimes to sue the Commonwealth.

S. Res. 50. Resolution authorizing Andrew Riley to sue the Commonwealth.

S. Res. 53. Resolution authorizing John R. Gray to sue the Commonwealth.

S. Res. 54. Resolution authorizing H. L. Wilkerson to sue the Commonwealth.

H. Res. 55. Resolution authorizing R. G. Hanner to sue the Commonwealth.

S. Res. 56. Resolution authorizing George Hunt, Joseph Bowley and M. I. Forbes to sue the Commonwealth.

S. Res. 57. Resolution authorizing Dr. W. E. Riley to sue the Commonwealth.

S. Res. 58. Resolution authorizing J. C. Ray and Mrs. J. C. Ray to sue the Commonwealth.

S. Res. 59. Resolution authorizing George Henderson to sue the Commonwealth.

H. Res. 60. Resolution authorizing Brent Hinton to sue the Commonwealth.

H. Res. 61. Resolution authorizing Raymond Clayton to sue the Commonwealth.

H. Res. 62. Resolution authorizing C. S. Rice and E. G. Rice to sue the Commonwealth.

H. B. 300. An Act relating to public health with particular reference to pharmacists.

H. B. 377. An Act relating to sewers and drains in first class cities.

H. B. 469. An Act relating to public projects, etc.

Thereupon all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled, thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills and resolutions which originated in the Senate, be delivered to the Enrolling Clerk of the Senate.

Ordered that the Enrolling Clerk of this House deliver the bills and resolutions which originated in this House to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills, duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Howell moved that the House do now adjourn to meet again on tomorrow at eleven o'clock a. m.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MARCH 19, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Fred Moffatt of the First Baptist Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson	Harold G. Helm	Louis T. Peniston
Roy W. Arnold	E. R. Hilton	Sylvester Phillips
Henry Arrowood	Clyde S. Howard	L. W. Preston
Walter J. Bailey	Maurice Howard	E. F. Prichard
F. O. Baker	Jerry F. Howell	Hobart Rayburn
Harold L. Barnes	J. J. Huff	Wade H. Riley
F. H. Bassett, Jr.	Ira W. Hulette	Kelse H. Risner
Ott Begley	Paul Jonas	Amos Runyan
W. G. Biggers	L. H. Jones	J. W. Simmons
Jack Bingham	B. F. Kincaid	Luther Slusher
B. J. Bonn	G. O. Kirkpatrick	Forrest Smith
J. C. Bradley	Edgar Kitchen	W. R. Smith
John Y. Brown	Homer E. Losey	E. A. Spencer
Mrs. Mary Burnett	A. L. Love	Paul J. Stapleton
Chas. W. Burnley	H. K. Lowman	Geo. W. Steinford
Alex. H. Calvert	E. J. Lucas	L. S. Stephens
S. J. Daugherty	Ed Marcum	Ralph G. Stone
L. A. Demumbrun	F. G. Marquette	C. W. Taylor
E. R. Denny	E. H. Martin	E. L. Thompson
Adron Doran	W. E. McClure	Ray G. Tipton
G. I. Drury	Jack McPherron	E. N. Todd
Bernie S. Edlin	Harry L. Moore	Walter L. Trivette
Eck Embry	J. L. Moore	S. J. Wagner
R. R. Ernst	J. Lee Moore	Harry F. Walters
A. H. Eversole	Fred Morgan	Lyle H. Webb
Henry J. Giles	Joe T. Morgan	W. W. Webster
Tom Gilliam	E. C. Mullins	Geo. J. Weining
M. B. Gilligan	Rodes K. Myers	Morris Weintraub
Otto W. Goff	J. C. Newcomb	Rodney Whitlow
R. M. Hall	Thos. A. Noe	John Wilborn
C. L. Hammonds	Joe E. Nunn	Mr. Speaker

Mr. Howell moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Barnes moved that the privilege of the floor be extended to Mr. Dennis H. Beard.

Said motion was agreed to.

Mr. Tipton moved that the privilege of the floor be extended to Lieut. Raymond O. Morgan.

Said motion was agreed to.

Mr. Hulette moved that the privilege of the floor be extended to Mr. J. Mott McDaniel.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 383. An Act relating to the payment of taxes in cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of section 92.590 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class, taxpayers owing ad valorem taxes shall pay them, without demand therefor, at the treasurer's office. The taxpayer may pay the whole tax at any time after the tax bills have been made out and delivered to him. Taxes paid during the month of April in the year in which they are due and payable may be reduced by a discount of three percent, and taxes paid during the month of May in that year may be reduced by a discount of two percent, if the city, by ordinance, so provides. Taxes not paid within one calendar month after they are due shall be deemed delinquent and shall have added to them a penalty of ten percent, and

shall thereafter bear interest at the rate of one-half of one percent for each month or fraction of a month until paid, or until the property of the delinquent has been sold for the tax. When taxes are paid the treasurer shall note on the stub of the bill the amounts paid and the date thereof, and shall deliver the receipted bill, countersigned by the auditor, to the taxpayer. When any person desires to pay taxes on any one item of real estate in a tax bill he shall be allowed to do so, if the city's interest will not be prejudiced thereby, and shall be given a receipt showing the date and the amount of the payment, the number of the tax bill, the name of the person against whom the tax bill is made out and a sufficient description to identify the property on which the taxes are paid. A corresponding notation shall be made on the tax bill and the stub, and the city's lien shall thereupon stand released as to that property, but the tax bill shall not be surrendered until paid in full.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Alex. H. Calvert	Edgar Kitchen
Henry Arrowood	S. J. Daugherty	H. K. Lowman
Walter J. Bailey	L. A. Demumbrun	E. J. Lucas
F. O. Baker	Tom Gilliam	Ed Marcum
F. H. Bassett, Jr.	Otto W. Goff	F. G. Marquette
Ott Begley	R. M. Hall	E. H. Martin
W. G. Biggers	C. L. Hammonds	W. E. McClure
B. J. Bonn	Clyde S. Howard	Jack McPherron
J. C. Bradley	Jerry F. Howell	Harry L. Moore
John Y. Brown	J. J. Huff	J. L. Moore
Mrs. Mary Burnett	Ira W. Hulette	J. Lee Moore
Chas. W. Burnley	Paul Jonas	Fred Morgan

Joe T. Morgan	Kelse H. Risner	E. L. Thompson
E. C. Mullins	Amos Runyan	Ray G. Tipton
Rodes K. Myers	J. W. Simmons	Walter L. Trivette
J. C. Newcomb	Luther Slusher	S. J. Wagner
Thos. A. Noe	Forrest Smith	W. W. Webster
Joe E. Nunn	W. R. Smith	Geo. J. Weining
Louis T. Peniston	Paul J. Stapleton	Morris Weintraub
Sylvester Phillips	Geo. W. Steinford	Rodney Whitlow
L. W. Preston	L. S. Stephens	John Wilborn
E. F. Prichard	C. W. Taylor	—65

Those who voted in the negative were—

Adron Doran	Harold G. Helm	Wade H. Riley
Eck Embry	G. O. Kirkpatrick	—5

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 155. An Act excluding from gross income the military pay of members of the Armed Forces.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 141.010, Kentucky Revised Statutes be amended by adding at the end of subsection (6) thereof the following:

(f) Any income received from the Federal Government by members of the Armed Forces of the United States or their dependents, including reserve components thereof, by reason of active Federal service therein.

Section 2. That this act be retroactive in effect to and including September 15, 1940.

Section 3. That the Department of Revenue shall refund or cause to be refunded to the person who paid the tax or his personal representatives or assigns any tax paid on contravention of Sections 1 and 2 hereof, upon application made within three years after the end of the present War. Such refunds shall be made pursuant to the provisions of Section 134.580 Kentucky Revised Statutes, insofar as not inconsistent herewith.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Henry J. Giles	Jack McPherron
Roy W. Arnold	Tom Gilliam	Harry L. Moore
Henry Arrowood	M. B. Gilligan	J. L. Moore
Walter J. Bailey	Otto W. Goff	J. Lee Moore
F. O. Baker	R. M. Hall	Fred Morgan
Harold L. Barnes	C. L. Hammonds	Joe T. Morgan
F. H. Bassett, Jr.	Harold G. Helm	E. C. Mullins
Ott Begley	Clyde S. Howard	Rodes K. Myers
W. G. Biggers	Maurice Howard	J. C. Newcomb
B. J. Bonn	Jerry F. Howell	Thos. A. Noe
J. C. Bradley	J. J. Huff	Joe E. Nunn
John Y. Brown	Ira W. Hulette	Louis T. Peniston
Mrs. Mary Burnett	L. H. Jones	Sylvester Phillips
Chas. W. Burnley	G. O. Kirkpatrick	L. W. Preston
Alex. H. Calvert	Edgar Kitchen	E. F. Prichard
S. J. Daugherty	A. L. Love	Wade H. Riley
L. A. Demumbrun	H. K. Lowman	Kelse H. Risner
E. R. Denny	E. J. Lucas	Amos Runyan
Adron Doran	Ed Marcum	J. W. Simmons
G. I. Drury	F. G. Marquette	Luther Slusher
Bernie S. Edlin	E. H. Martin	Forrest Smith
Eck Embry	W. E. McClure	W. R. Smith

Paul J. Stapleton	E. N. Todd	Geo. J. Weining
Geo. W. Steinford	Walter L. Trivette	Morris Weintraub
L. S. Stephens	S. J. Wagner	Rodney Whitlow
C. W. Taylor	Harry F. Walters	John Wilborn
E. L. Thompson	Lyle H. Webb	Mr. Speaker
Ray G. Tipton	W. W. Webster	—83

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 499. An Act relating to insurance of State lands and buildings.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 56.160 KRS is amended to read as follows:

With the approval of the Department of Finance, the Division of Insurance may contract with any responsible fire and tornado insurance or reinsurance company authorized to do business in Kentucky to reinsure any building and its contents of which the total valuation has been fixed at over $500,000 in such a way as to limit the net liability of the State Fire and Tornado Insurance Fund with respect to such building and its contents to $500,000, and during any fiscal year in which the State Fire and Tornado Insurance Fund amounts to less than $2,000,000, the Division of Insurance, with the approval of the Department of Finance, may reinsure any building and its contents of which the total valuation has been fixed at over $200,000 in such a way as to limit the net liability of the State Fire and Tornado Insurance Fund with re-

spect to such building and its contents to $200,000. The premium for reinsurance shall be paid out of the State Fire and Tornado Insurance Fund, on warrant of the Department of Finance.

Section 2. Section 56.180 KRS is amended to read as follows:

If at the end of any fiscal year the moneys and securities to the credit of the State Fire and Tornado Insurance Fund equal or exceed two million dollars, the Division of Insurance shall certify to the State Treasurer a credit to each state agency having control or custody of state property. The credit shall operate to reduce the premium for the next fiscal year. The credit shall be calculated by taking the total amount of the premiums determined under KRS 56.090, subtracting from such premiums the total amount of the losses and damage debited against the fund and the total expenses debited against the said fund under KRS 56.150 and 56.160, and dividing the result by the total amount of premiums as determined under KRS 56.090. The credit shall be applied equally against each premium debitable against each state agency having control or custody of state property, and shall revert to the account of that agency without prejudice as to its use.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Ott Begley	Alex. H. Calvert
Roy W. Arnold	W. G. Biggers	S. J. Daugherty
Henry Arrowood	B. J. Bonn	L. A. Demumbrun
Walter J. Bailey	J. C. Bradley	E. R. Denny
F. O. Baker	John Y. Brown	Adron Doran
Harold L. Barnes	Mrs. Mary Burnett	G. I. Drury
F. H. Bassett, Jr.	Chas. W. Burnley	Bernie S. Edlin

Eck Embry	Ed Marcum	Amos Runyan
Henry J. Giles	F. G. Marquette	J. W. Simmons
Tom Gilliam	E. H. Martin	Luther Slusher
M. B. Gilligan	W. E. McClure	Forrest Smith
Otto W. Goff	Jack McPherron	W. R. Smith
R. M. Hall	Harry L. Moore	Paul J. Stapleton
C. L. Hammonds	J. L. Moore	Geo. W. Steinford
Harold G. Helm	J. Lee Moore	L. S. Stephens
Clyde S. Howard	Fred Morgan	C. W. Taylor
Maurice Howard	Joe T. Morgan	E. L. Thompson
Jerry F. Howell	E. C. Mullins	Ray G. Tipton
J. J. Huff	Rodes K. Myers	E. N. Todd
Ira W. Hulette	J. C. Newcomb	Walter L. Trivette
Paul Jonas	Thos. A. Noe	S. J. Wagner
L. H. Jones	Joe E. Nunn	Harry F. Walters
B. F. Kincaid	Louis T. Peniston	Lyle H. Webb
G. O. Kirkpatrick	Sylvester Phillips	W. W. Webster
Edgar Kitchen	L. W. Preston	Geo. J. Weining
Homer E. Losey	E. F. Prichard	Morris Weintraub
A. L. Love	Wade H. Riley	Rodney Whitlow
E. J. Lucas	Kelse H. Risner	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 328. An Act relating to the abandonment of a child under sixteen.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 435.240 of the Kentucky Revised Statutes be amended by adding thereto an additional section, to be known as Subsection 3, which shall provide as follows:

If a divorce has been granted by a court of competent jurisdiction, and the parent of any child under the age of sixteen years shall desert or abandon such child, without complying with the orders of the court as set forth in the judgment granting said divorce relative to the custody or support of said child, or if such parent having custody of such child under the orders of said court shall abandon and desert said child, or if a parent, not having custody of said child, shall take and carry away said child from the custody of the parent to whom the custody of such child was awarded by said judgment of divorce, without the consent of the parent having such custody, the parent so doing shall be deemed guilty of a felony and shall be confined in the penitentiary for not less than one nor more than five years.

2. All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Alex. H. Calvert	Harold G. Helm
Roy W. Arnold	S. J. Daugherty	Maurice Howard
Henry Arrowood	L. A. Demumbrun	Jerry F. Howell
F. O. Baker	E. R. Denny	J. J. Huff
Harold L. Barnes	Adron Doran	Ira W. Hulette
F. H. Bassett, Jr.	G. I. Drury	Paul Jonas
Ott Begley	Bernie S. Edlin	B. F. Kincaid
W. G. Biggers	Eck Embry	G. O. Kirkpatrick
B. J. Bonn	Henry J. Giles	Edgar Kitchen
J. C. Bradley	Tom Gilliam	Homer E. Losey
John Y. Brown	M. B. Gilligan	A. L. Love
Mrs. Mary Burnett	Otto W. Goff	H. K. Lowman
Chas. W. Burnley	R. M. Hall	E. J. Lucas

Ed Marcum	Thos. A. Noe	Geo. W. Steinford
F. G. Marquette	Joe E. Nunn	L. S. Stephens
E. H. Martin	Louis T. Peniston	E. L. Thompson
W. E. McClure	Sylvester Phillips	Ray G. Tipton
Jack McPherron	E. F. Prichard	E. N. Todd
Harry L. Moore	Wade H. Riley	Walter L. Trivette
J. L. Moore	Kelse H. Risner	Harry F. Walters
J. Lee Moore	Amos Runyan	Lyle H. Webb
Fred Morgan	J. W. Simmons	W. W. Webster
Joe T. Morgan	Luther Slusher	Morris Weintraub
E. C. Mullins	Forrest Smith	Rodney Whitlow
Rodes K. Myers	W. R. Smith	John Wilborn
J. C. Newcomb	Paul J. Stapleton	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 518. An Act making provisions for the acquisition and installation of electrical roll-call systems in House and Senate.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The President Pro Tem of the Senate shall appoint two members of the Senate, and the Speaker of the House of Representatives shall appoint two members of the House of Representatives who, together with the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives, as ex-officio members, shall constitute a committee with authority to contract for the acquisition and installation of elecrical roll-call systems for either or both Houses of the General Assembly. The committee is authorized to

visit the legislative chambers of other states in which electrical roll-call systems have been installed, and for this purpose the members shall be allowed their necessary travel expenses.

§ 2. The committee is authorized to advertise for bids for the installation of such electrical roll-call systems, to receive such bids and to award the contract to the lowest and best bidder. In determining which is the lowest and best bidder, the committee shall take into consideration the financial responsibility of the bidder, the facilities available in his plant for the manufacture of such equipment, the workmanship and quality of the system offered and the materials used in the construction thereof. The committee shall require the successful bidder to execute a bond for the faithful performance of the contract and a maintenance bond guaranteeing the satisfactory operation of the system for a period of four years following the date of installation. Each of such bonds shall be in a penal sum equal to the contract price of the system and shall be executed by a solvent surety company authorized to do business in Kentucky.

§ 3. The committee shall proceed promptly in the discharge of the duties imposed upon it by this Act in order that the system may be installed and available for use at the 1948 Regular Session of the General Assembly.

§ 4. For the purpose of carrying out this Act, there is hereby appropriated to the committee created by this Act, out of the General Expenditure Fund in the State Treasury, as of the effective date of this Act, the sum of $71,000.00. Of this sum $2,500.00 is to be available for necessary expenses of the committee, including traveling expenses and the expenses connected with the advertisement for bids; $40,000 shall be available for the acquisition and installation of a roll-call system for the House of Representatives; and $28,500 for the acquisition and installation of a roll-call system for the Senate. In the event it is not practicable to encumber or expend any of the sums hereby appropriated during the current fiscal year it shall be available for expenditure during the fiscal years 1946-1947 and 1947-1948.

Mr. Howell offered the following amendment to said bill, viz.:

Amend H. B. 518 on page 1, section 1, on the last line of the page by striking out the words "The President Pro Tem" and inserting in lieu thereof "the President."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read at length the third time and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	E. F. Prichard
Walter J. Bailey	C. L. Hammonds	Kelse H. Risner
F. O. Baker	Clyde S. Howard	Amos Runyan
F. H. Bassett, Jr.	Maurice Howard	J. W. Simmons
W. G. Biggers	Jerry F. Howell	Forrest Smith
B. J. Bonn	Ira W. Hulette	Paul J. Stapleton
J. C. Bradley	Paul Jonas	Geo. W. Steinford
John Y. Brown	Homer E. Losey	L. S. Stephens
Mrs. Mary Burnett	H. K. Lowman	E. L. Thompson
Chas. W. Burnley	E. J. Lucas	Ray G. Tipton
Alex. H. Calvert	W. E. McClure	Walter L. Trivette
S. J. Daugherty	Jack McPherron	S. J. Wagner
Adron Doran	Harry L. Moore	Geo. J. Weining
Bernie S. Edlin	J. Lee Moore	Morris Weintraub
Henry J. Giles	Fred Morgan	Rodney Whitlow
Tom Gilliam	Rodes K. Myers	John Wilborn
M. B. Gilligan	Joe E. Nunn	Mr. Speaker
Otto W. Goff	L. W. Preston	—53

Those who voted in the negative were—

Harold L. Barnes	L. A. Demumbrun	G. I. Drury
Ott Begley	E. R. Denny	Eck Embry

Harold G. Helm	Joe T. Morgan	Luther Slusher
J. J. Huff	E. C. Mullins	W. R. Smith
L. H. Jones	J. C. Newcomb	E. N. Todd
G. O. Kirkpatrick	Thos. A. Noe	Harry F. Walters
A. L. Love	Louis T. Peniston	Lyle H. Webb
Ed Marcum	Wade H. Riley	W. W. Webster
E. H. Martin		

—25

Resolved that the title thereof be as aforesaid.

Mr. Doran moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 78. An Act to increase compensation in fiscal courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (7) of Section 67.080 of the Kentucky Revised Statutes is amended to read as follows:

Cause correct accounts and records to be kept of all receipts and disbursements of the public funds of the county, and have the accounts of all county officers audited, when necessary; employ a competent person to keep such accounts and records, and make such audits, and pay such person a reasonable compensation for such services, not to exceed $2,400 per annum, except that in counties containing a city of the second class such person may be paid a reasonable compensation for such services, not to exceed $3,600.00 per annum.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by is title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Clyde S. Howard	Thos. A. Noe
Henry Arrowood	Maurice Howard	Joe E. Nunn
Walter J. Bailey	Jerry F. Howell	Louis T. Peniston
F. O. Baker	J. J. Huff	E. F. Prichard
F. H. Bassett, Jr.	Ira W. Hulette	Kelse H. Risner
Ott Begley	Paul Jonas	Amos Runyan
W. G. Biggers	G. O. Kirkpatrick	J. W. Simmons
B. J. Bonn	H. K. Lowman	Luther Slusher
J. C. Bradley	Ed Marcum	Forrest Smith
John Y. Brown	F. G. Marquette	W. R. Smith
Chas. W. Burnley	E. H. Martin	Paul J. Stapleton
Alex. H. Calvert	W. E. McClure	Geo. W. Steinford
S. J. Daugherty	Jack McPherron	L. S. Stephens
L. A. Demumbrun	Harry L. Moore	E. L. Thompson
Adron Doran	J. L. Moore	Ray G. Tipton
G. I. Drury	J. Lee Moore	E. N. Todd
Bernie S. Edlin	Fred Morgan	Walter L. Trivette
Eck Embry	Joe T. Morgan	Geo. J. Weining
Henry J. Giles	E. C. Mullins	Morris Weintraub
M. B. Gilligan	Rodes K. Myers	Rodney Whitlow
Otto W. Goff	J. C. Newcomb	John Wilborn
C. L. Hammonds		

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Those who voted in the negative were—

Harold L. Barnes	A. L. Love	W. W. Webster
Homer E. Losey	Wade H. Riley	

—5

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 24. An Act to amend Sec. 183 of the Criminal Code of Practice.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 183 of the Criminal Code of Practice is amended to read as follows:

If the indictment be for a felony, the defendant must be present, and, if on bail, may remain on bail during the trial, unless the court, which it may do in its discretion, shall require that the defendant be placed and kept in actual custody. If allowed to remain on bail during the trial, the defendant shall be placed in actual custody when the case is finally submitted to the jury. If he escapes from custody after the trial has commenced, the trial may either be stopped or progress to a verdict, at the discretion of the Commonwealth's attorney; but judgment shall not be rendered until the presence of the defendant is obtained.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	John Y. Brown	Eck Embry
Henry Arrowood	Mrs. Mary Burnett	R. R. Ernst
Walter J. Bailey	Chas. W. Burnley	Henry J. Giles
F. O. Baker	Alex. H. Calvert	Otto W. Goff
Harold L. Barnes	S. J. Daugherty	R. M. Hall
F. H. Bassett, Jr.	L. A. Demumbrun	C. L. Hammonds
Ott Begley	E. R. Denny	Jerry F. Howell
W. G. Biggers	Adron Doran	J. J. Huff
B. J. Bonn	G. I. Drury	Ira W. Hulette
J. C. Bradley	Forest C. Easley	Paul Jonas

B. F. Kincaid	Rodes K. Myers	W. R. Smith
G. O. Kirkpatrick	J. C. Newcomb	Paul J. Stapleton
Homer E. Losey	Thos. A. Noe	Geo. W. Steinford
A. L. Love	Joe E. Nunn	L. S. Stephens
E. J. Lucas	Louis T. Peniston	C. W. Taylor
Ed Marcum	E. F. Prichard	E. L. Thompson
F. G. Marquette	Hobart Rayburn	Ray G. Tipton
E. H. Martin	Wade H. Riley	E. N. Todd
W. E. McClure	Kelse H. Risner	Walter L. Trivette
Jack McPherron	Amos Runyan	Harry F. Walters
Harry L. Moore	J. W. Simmons	Lyle H. Webb
Fred Morgan	Luther Slusher	Rodney Whitlow
Joe T. Morgan	Forrest Smith	John Wilborn
E. C. Mullins		—70

There voted in the negative—

Geo. J. Weining —1

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 509. An Act relating to the tax for the maintenance of a home in each county containing a city of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 201.170, Kentucky Revised Statutes, be amended and re-enacted so that it shall read as follows:

201.170. In order to provide money for maintaining the home and for carrying out the purpose of this chapter other

than those named in Section 201.160, Kentucky Revised Statutes, the fiscal court of the county in which the home is established, and the legislative body of the city of the first class shall levy and collect a tax on each one hundred dollars' worth of taxable property in the county and city respectively, as determined by the last regular assessment. Such tax shall be such number of cents, not exceeding ten cents, on each one hundred dollars' worth of said taxable property as in the judgment of the said fiscal court and said legislative body shall be reasonably necessary for said purposes. All funds derived from such levies and collections shall be paid over to the board for the purposes mentioned in this section.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Jerry F. Howell	Joe T. Morgan
Henry Arrowood	Ira W. Hulette	E. C. Mullins
Walter J. Bailey	Paul Jonas	Rodes K. Myers
F. O. Baker	L. H. Jones	J. C. Newcomb
Harold L. Barnes	B. F. Kincaid	Thos. A. Noe
F. H. Bassett, Jr.	G. O. Kirkpatrick	Joe E. Nunn
W. G. Biggers	Edgar Kitchen	Louis T. Peniston
B. J. Bonn	Homer E. Losey	Sylvester Phillips
Mrs. Mary Burnett	A. L. Love	E. F. Prichard
Chas. W. Burnley	H. K. Lowman	Wade H. Riley
S. J. Daugherty	E. J. Lucas	Kelse H. Risner
L. A. Demumbrun	F. G. Marquette	Luther Slusher
R. R. Ernst	E. H. Martin	Forrest Smith
M. B. Gilligan	W. E. McClure	W. R. Smith
Otto W. Goff	Jack McPherron	Paul J. Stapleton
R. M. Hall	Harry L. Moore	Geo. W. Steinford
C. L. Hammonds	J. Lee Moore	L. S. Stephens
Maurice Howard	Fred Morgan	E. L. Thompson

Ray G. Tipton	S. J. Wagner	Rodney Whitlow
E. N. Todd	Lyle H. Webb	John Wilborn
Walter L. Trivette	Geo. J. Weining	—62

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 493. An Act relating to industrial insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section (4) of Section 297.130 of the Kentucky Revised Statutes of 1944, relating to Industrial Life Insurance is amended and re-enacted to read as follows:

(4) In construing the provisions of this section, Industrial Insurance shall be considered to be insurance purchasable solely by weekly or monthly premiums if the words Industrial Policy are printed on the policy as a part of the descriptive matter.

Section 2. Subsection (7) of Section of 297.131 of the Kentucky Revised Statutes of 1944 is amended and re-enacted to read as follows:

(7) In construing the provisions of this section, "Ordinary Insurance" or "Insurance Upon the Ordinary Plan" shall be considered to be insurance that may be paid for by a single premium, by annual premiums or by semi-annual or quarterly or other installments thereon at the option of the Company; and "Industrial Insurance" shall be considered to be insurance purchasable solely by weekly or monthly premiums if the words Industrial Policy are printed on the policy as a part of the descriptive matter.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	J. J. Huff	Thos. A. Noe
Henry Arrowood	Ira W. Hulette	Joe E. Nunn
Walter J. Bailey	Paul Jonas	Louis T. Peniston
F. O. Baker	L. H. Jones	E. F. Prichard
Harold L. Barnes	B. F. Kincaid	Hobart Rayburn
F. H. Bassett, Jr.	G. O. Kirkpatrick	Kelse H. Risner
Ott Begley	Homer E. Losey	Amos Runyan
W. G. Biggers	A. L. Love	J. W. Simmons
B. J. Bonn	H. K. Lowman	Luther Slusher
John Y. Brown	E. J. Lucas	Forrest Smith
Chas. W. Burnley	Ed Marcum	W. R. Smith
Alex. H. Calvert	F. G. Marquette	Paul J. Stapleton
S. J. Daugherty	E. H. Martin	Geo. W. Steinford
L. A. Demumbrun	W. E. McClure	L. S. Stephens
E. R. Denny	Jack McPherron	E. L. Thompson
Bernie S. Edlin	Harry L. Moore	Ray G. Tipton
Eck Embry	J. L. Moore	E. N. Todd
Henry J. Giles	J. Lee Moore	Walter L. Trivette
M. B. Gilligan	Fred Morgan	Lyle H. Webb
Otto W. Goff	Joe T. Morgan	W. W. Webster
C. L. Hammonds	E. C. Mullins	Geo. J. Weining
Clyde S. Howard	Rodes K. Myers	Morris Weintraub
Maurice Howard	J. C. Newcomb	John Wilborn
Jerry F. Howell		—70

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 443. An Act relating to the State Fair Grounds.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The State Fair Board shall have no authority to sell, convey or otherwise dispose of the State Fair Grounds (being the real estate situated in the City of Louisville now under the custody and control of the State Fair Board, and any real estate hereafter acquired for State Fair purposes), except pursuant to specific permission of the General Assembly given by means of an Act or Joint Resolution of the General Assembly. When any sale, conveyance or other disposition of the State Fair Grounds, or any part thereof, is proposed, the State Fair Board shall enter into a contract with the proposed purchaser or grantee, setting forth all details of the proposed sale, conveyance or other disposition, which contract shall recite that it is subject to the approval of the General Assembly. Such contract shall then be submitted to the General Assembly, in session. If the General Assembly, by Act or Joint Resolution, approves the contract, the State Fair Board may proceed to carry out the contract. Otherwise the contract shall be of no force or effect. The proceeds of the sale or other disposition of the State Fair Grounds, or any part thereof, under a contract approved pursuant to this Act, shall be placed in the State Treasury to the credit of the State Fair Board Continuing Fund, and shall be available for acquisition of other real estate and for construction of buildings and improvements.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Maurice Howard	Joe E. Nunn
Roy W. Arnold	Jerry F. Howell	Louis T. Peniston
Henry Arrowood	Ira W. Hulette	Sylvester Phillips
F. O. Baker	Paul Jonas	L. W. Preston
Harold L. Barnes	B. F. Kincaid	E. F. Prichard
F. H. Bassett, Jr.	G. O. Kirkpatrick	Kelse H. Risner
W. G. Biggers	Edgar Kitchen	Luther Slusher
B. J. Bonn	A. L. Love	Forrest Smith
Mrs. Mary Burnett	H. K. Lowman	W. R. Smith
Chas. W. Burnley	Ed Marcum	E. A. Spencer
Alex. H. Calvert	F. G. Marquette	Paul J. Stapleton
S. J. Daugherty	W. E. McClure	Ralph G. Stone
Adron Doran	Jack McPherron	E. L. Thompson
G. I. Drury	J. L. Moore	E. N. Todd
M. B. Gilligan	J. Lee Moore	S. J. Wagner
Otto W. Goff	Fred Morgan	Geo. J. Weining
R. M. Hall	E. C. Mullins	Morris Weintraub
E. R. Hilton	Thos. A. Noe	John Wilborn
Clyde S. Howard		—55

Those who voted in the negative were—

L. A. Demumbrun	J. J. Huff	Hobart Rayburn
E. R. Denny	L. H. Jones	L. S. Stephens
Bernie S. Edlin	Homer E. Losey	Ray G. Tipton
Eck Embry	Harry L. Moore	Rodney Whitlow
Harold G. Helm	Joe T. Morgan	—14

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Governor announcing that he returns to this House where it originated, without his signature and approval, a bill entitled:

H. B. 187. An Act relating to war veterans; establishing a Disabled Ex-Service Men's Board, and providing for its

organization, functions and finances; and amending KRS 36.010 and 36.060 to conform.

Together with his objections and veto to said bill and his reasons therefor.

(For bill see House Journal of February 21)

The objections and veto of the Governor and his reasons therefor, are as follows, viz.:

VETO MESSAGE

House Bill No. 187

To The General Assembly:

I return herewith House Bill No. 187 without approval.

House Bill No. 187 is a ripper bill, removing from the Department of Military Affairs the Veterans Division, and transferring to the Kentucky Disabled Ex-Service Men's Board the entire appropriation heretofore made to the Veterans' Division in the Department of Military Affairs.

The present set-up is satisfactory and renders efficient service to the veterans without partiality or discrimination. It is required to perform the following duties:

(a) Prepare in proper form, present and prosecute the claims of disabled ex-service men and women and their dependents with the United States Veterans' Administration and other Federal agencies;

(b) Secure and expedite action on the claims;

(c) Keep in contact with the United States Veterans' Administration so that the status of any claim may be known at any time;

(d) Continue to survey the State to make certain that no disabled veteran or his dependents are neglected; and

(e) Perform such other duties as the Adjutant General directs. The veterans to be served are defined to include any individual who served on active duty in the Army, Navy or

Marine Corps of the United States, and who has received an honorable discharge from such service.

The Adjutant General is required to exercise general administration of the work of the Division, and to direct the work in the light of advice from the Kentucky Disabled Ex-Service Men's Board.

The current appropriation of $60,500.00 to the Division for each year has been increased in the new Appropriation Bill to $100,000.00 for each of the next two fiscal years.

This tried and proven plan is completely destroyed by House Bill No. 187. The Division for Veteran's Affairs is abolished. Its appropriation is transferred to the New Board provided for by this Act. The duties placed on the Adjutant General are withdrawn.

A new administrative personnel will have to be set up at an increased cost, and without any added benefits to the veterans. The work of the Division has been satisfactory and the service to the veterans has been excellent.

The new Board created by this bill is made an independent agency. It is changed from a mere advisory body to one with full responsibility and control. It is composed of five men, three of whom must be chosen from a list of five names submitted by the Commander of the American Legion, with the approval of the Executive Committee of the Legion. The Lieutenant-Governor and the Adjutant General are ex-officio members.

Thus one organization of veterans is given complete control of an agency designed to serve all veterans of all wars. No representation whatever is given to the veterans of World War II who are not members of the Legion, although constituting the most numerous group. No other organization of veterans is represented at all.

The appointment of governmental officers should not be placed in private hands, no matter how public spirited they may be. This will not make for harmony and unity among the various organizations of veterans, but will tend to engender jealousies and resentments.

It is my hope that the Division of Veterans' Affairs can be preserved and allowed to carry on its noble objectives with

the full benefit of its past experience and with the additional money provided for the service of the veterans.

For these reasons I am constrained to veto House Bill No. 187 and it is returned herewith to the House where it originated.

SIMEON WILLIS,
Governor

Frankfort, Kentucky
March 18, 1946

Mr. Howell moved that the House do now reconsider said bill, the objections and veto of the Governor to the contrary notwithstanding.

Said motion was agreed to.

Thereafter such reconsideration, the question was taken upon the passage of said bill, the objections and veto of the Governor to the contrary notwithstanding and it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, the objections and veto of the Governor to the contrary notwithstanding, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	S. J. Daugherty	Clyde S. Howard
Walter J. Bailey	Adron Doran	Maurice Howard
F. O. Baker	G. I. Drury	Jerry F. Howell
Harold L. Barnes	R. R. Ernst	Ira W. Hulette
F. H. Bassett, Jr.	Henry J. Giles	Paul Jonas
W. G. Biggers	Tom Gilliam	B. F. Kincaid
B. J. Bonn	M. B. Gilligan	Edgar Kitchen
J. C. Bradley	Otto W. Goff	Homer E. Losey
John Y. Brown	R. M. Hall	A. L. Love
Mrs. Mary Burnett	C. L. Hammonds	H. K. Lowman
Chas. W. Burnley	Harold G. Helm	E. J. Lucas
Alex. H. Calvert	E. R. Hilton	F. G. Marquette

E. H. Martin	Sylvester Phillips	Ralph G. Stone
W. E. McClure	L. W. Preston	E. L. Thompson
Jack McPherron	E. F. Prichard	E. N. Todd
Harry L. Moore	Wade H. Riley	Walter L. Trivette
J. L. Moore	Kelse H. Risner	S. J. Wagner
J. Lee Moore	Amos Runyan	Harry F. Walters
Fred Morgan	Luther Slusher	Lyle H. Webb
Joe T. Morgan	Forrest Smith	W. W. Webster
E. C. Mullins	W. R. Smith	Geo. J. Weining
Rodes K. Myers	E. A. Spencer	Morris Weintraub
Thos. A. Noe	Paul J. Stapleton	Rodney Whitlow
Joe E. Nunn	Geo. W. Steinford	John Wilborn
Louis T. Peniston	L. S. Stephens	Mr. Speaker

—75

Those who voted in the negative were—

E. R. Denny	J. J. Huff	C. W. Taylor

—3

Mr. Howell moved that the vote by which said bill was passed, the objections and veto of the Governor to the contrary notwithstanding, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that the Chief Clerk report the action of this House to the Senate.

A message was received from the Governor announcing that he returns to this House where it originated, without his signature and approval a bill entitled:

H. B. 416. An Act relating to Employment Service.

Together with his objections and veto of said bill and his reasons therefor.

(For bill see House Journal of February 28).

The objections and veto of the Governor and his reasons therefor are as follows, viz.:

VETO MESSAGE
House Bill No. 416

To the General Assembly:

I herewith return House Bill No. 416 without my approval.

The bill is an anomalous one. It sets up in the Department of Industrial Relations an Employment Service Commission composed of a Director of Employment Service and two other persons to represent labor and management.

There is no provision for the appointment of the Director. The two members representing labor and management are to be appointed by the Commissioner of Industrial Relations, with the approval of the Governor, from lists of names submitted to him by representatives of labor and management. There is no restriction on the number of names, or on the number of persons that may assume to represent labor and management. This is the only duty or power vested in the Department of Industrial Relations.

The Director is made Chairman of the Commission. Only one man in the State, it has been stated, is eligible to the office of Director. He must have had at least four years full time paid experience in the administration and supervision of the state-wide system of public employment service offices, and shall have been a citizen of Kentucky for at least two successive years immediately prior to his appointment. The appointing power would have no choice but to commission the man described, but not named, in the Act.

The Director is given power to determine and establish his own organization, employ such personnel as he deems necessary, and fix their duties and compensation. This places it outside the law so far as compliance with the Statutes that govern the other departments, agencies and employees of the State are concerned. The wholesome requirements of KRS 42.120 are completely nullified.

By section 8 of the Act, it is provided that when and if the Employment Service returns to State control, a transfer shall be made to employment in the State-wide system of public employment offices, without adverse adjustment in their classification or compensation status of all officers and em-

ployees of the Federal Government who had been employed in the performance of Employment Service functions in Kentucky on the day preceding the effective date of such transfer. And further, not later than thirty days after the date of return of Employment Service to the State, all properties, including equipment now in possession of the Unemployment Compensation Commission, purchased by the Kentucky State Employment Service under the Unemployment Compensation Act of 1938, shall be transferred to the Employment Service Commission created by this Act.

KRS 340.080 is repealed. That is the Statute under which the Employment Service was set up and operated before it was lent to the Federal Government for the duration of the war.

It seems obvious that the Legislature has no power to create this unlimited number of offices and positions, and automatically to fill them with Federal officers and employees as of a certain date. The Legislature may create offices, but the executive or administrative officers must fill them.

In Pratt vs. Breckinridge, 112 Ky. 1, (at page 10) the Court of Appeals thus explained the distinction between legislative and executive power in respect to the creation and filling of offices:

"Each house may perform the executive act of electing its own officers (Secs. 34, 249) and the judicial act of judging of the qualifications, elections and returns of its members (sec. 38), punishing disorderly behavior and expelling members (sec. 39). The framers of the Constitution having deemed it necessary expressly to permit the Legislature to exercise the executive power of appointment in specified cases, this permission, by implication, forbids the Legislature to exercise such powers in any other case.

The creation of an office is accomplished by the exercise of Legislative power. It is done by the enactment of a law. The filling of it, when not exercised by the people, or in some manner directed or permitted by the Constitution, is executive, and must be performed by an executive officer."

This has been reaffirmed in many cases, such as Sibert vs. Garrett, 197 Ky. 17; Rouse vs. Johnson, 234 Ky. 473 and cases cited in those opinions.

The salaries paid in the Federal setup are much greater than is permitted under the State organization Act, and the number of employees is far beyond that the State would or could employ. It would be demoralizing and damaging to all the other departments of government to import into our service a large number of high salaried employees not required to qualify under Kentucky laws.

Moreover, the plan set up by this Act would make it impossible to carry on the employment service if and when it is returned to the State.

The Employment Service was set up in 1932. In 1933, Congress passed the Wagner-Peyser Act which provided certain benefits to states that accepted it. Kentucky complied with the Act and operated successfully until the service was lent to the United States on January 1, 1942, with the understanding that it would be returned after the termination of the war. It is now expected to be returned to the State on July 1, 1946, although there is some controversy in Congress about the date of return.

The Employment Service is an essential part in the operation of the Unemployment Service. It could not be operated conveniently or successfully apart from the Unemployment Compensation setup.

I am advised that the larger portion of the expense of administering the Employment Service through the Unemployment Commission was provided by the Social Security Board. It could not supply funds to the proposed commission because it is not placed on a merit basis. The Social Security Board may make allotments for the purpose stated, but is forbidden to do so unless it "finds that the law of the State provides such methods of administration (including after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis) as are found by the board to be reasonably calculated to insure full payment of unemployment compensation when due."

The Kentucky Employment Service, when it was a part of the Unemployment Compensation Commission, was entitled to grants under the Social Security Act because—(1) the grants were being made to the Unemployment Compensation

Commission for the administration of an Unemployment Compensation Law; and—(2) the Unemployment Compensation Commission law provides for the maintenance of personnel standards on a merit basis.

No money is provided or available under either State or Federal law to operate the anomalous plan set up by House Bill No. 416.

In view of these facts, it is plain that the bill is unworkable and can do no possible good. For these reasons I have vetoed House Bill No. 416, and return it herewith to the House where it originated.

Simeon Willis, Governor

Frankfort, Kentucky
March 18, 1946

Mr. Howell moved that the House do now reconsider said bill, the objections and veto of the Governor to the contrary notwithstanding.

Said motion was agreed to.

Thereafter such reconsideration, the question was taken upon the passage of said bill, the objections and veto of the Governor to the contrary notwithstanding, and it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, the objections and veto of the Governor to the contrary notwithstanding, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	John Y. Brown	Tom Gilliam
Walter J. Bailey	Mrs. Mary Burnett	M. B. Gilligan
F. O. Baker	Chas. W. Burnley	Otto W. Goff
Harold L. Barnes	Alex. H. Calvert	R. M. Hall
F. H. Bassett, Jr.	S. J. Daugherty	E. R. Hilton
W. G. Biggers	Adron Doran	Clyde S. Howard
B. J. Bonn	G. I. Drury	Jerry F. Howell
J. C. Bradley	Henry J. Giles	Ira W. Hulette

Paul Jonas	Thos. A. Noe	Geo. W. Steinford
B. F. Kincaid	Joe E. Nunn	Ralph G. Stone
Edgar Kitchen	Louis T. Peniston	E. L. Thompson
A. L. Love	L. W. Preston	E. N. Todd
H. K. Lowman	E. F. Prichard	Walter L. Trivette
F. G. Marquette	Wade H. Riley	Sylvester J. Wagner
E. H. Martin	Kelse H. Risner	Harry F. Walters
W. E. McClure	Amos Runyan	W. W. Webster
Jack McPherron	J. W. Simmons	Geo. J. Weining
J. L. Moore	Luther Slusher	Morris Weintraub
J. Lee Moore	Forrest Smith	Rodney Whitlow
Fred Morgan	W. R. Smith	John Wilborn
E. C. Mullins	Paul J. Stapleton	Mr. Speaker
Rodes K. Myers		—64

Those who voted in the negative were—

C. W. Anderson	C. L. Hammonds	Harry L. Moore
Henry Arrowood	Harold G. Helm	Joe T. Morgan
Ott Begley	J. J. Huff	Sylvester J. Wagner
L. A. Demumbrun	L. H. Jones	E. A. Spencer
E. R. Denny	G. O. Kirkpatrick	L. S. Stephens
Bernie S. Edlin	Homer E. Losey	C. W. Taylor
Eck Embry	E. J. Lucas	Ray G. Tipton
R. R. Ernst	Ed Marcum	Lyle H. Webb
		—24

Mr. Howell moved that the vote by which said bill was passed, the objections and veto of the Governor to the contrary notwithstanding, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that the Chief Clerk report the action of this House to the Senate.

Mr. Howell moved that the House do now recess for thirty minutes.

Said motion was agreed to.

And then the House recessed.

Thirty minutes having expired, the Speaker resumed the Chair, and called the House to order.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 421. An Act relating to trial and commitment of juveniles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No male child of seventeen years of age or less, or a female child of eighteen years or less, shall be committed to the house of reform or penitentiary, or any jail or workhouse, until the State Department of Welfare shall have made a thorough investigation of the case and filed written approval of the commitment with the trial court.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	E. R. Denny	Maurice Howard
F. H. Bassett, Jr.	Adron Doran	Jerry F. Howell
Ott Begley	G. I. Drury	B. F. Kincaid
W. G. Biggers	R. R. Ernst	G. O. Kirkpatrick
J. C. Bradley	Henry J. Giles	Edgar Kitchen
John Y. Brown	Tom Gilliam	E. J. Lucas
Chas. W. Burnley	Otto W. Goff	F. G. Marquette
Alex. H. Calvert	C. L. Hammonds	E. H. Martin
S. J. Daugherty	Harold G. Helm	Jack McPherron
L. A. Demumbrun	E. R. Hilton	J. Lee Moore

E. C. Mullins	Luther Slusher	E. N. Todd
L. W. Preston	Paul J. Stapleton	Walter L. Trivette
Amos Runyan	Geo. W. Steinford	John Wilborn
J. W. Simmons	E. L. Thompson	Mr. Speaker

—42

Those who voted in the negative were—

Mrs. Mary Burnett	Louis T. Peniston	Harry F. Walters
L. H. Jones	Forrest Smith	W. W. Webster
W. E. McClure		

—7

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 115. An Act authorizing fiscal courts in counties containing a city of the second class to employ a person to supervise purchases.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That in counties containing a city of the second class the fiscal court is authorized to employ some person to make all purchases needed in the operation of such county and needed by the officers thereof, the method and manner of making such purchases to be fixed and determined by the fiscal court at the time of the employment of such person. Such fiscal court is authorized to pay such person as compensation a sum ~~not~~ to exceed Three Thousand Dollars ($3,000.00) per year.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Hobart Rayburn
F. O. Baker	Maurice Howard	Amos Runyan
F. H. Bassett, Jr.	Jerry F. Howell	Forrest Smith
Ott Begley	Edgar Kitchen	Paul J. Stapleton
John Y. Brown	Homer E. Losey	Ralph G. Stone
Chas. W. Burnley	E. J. Lucas	C. W. Taylor
S. J. Daugherty	F. G. Marquette	E. L. Thompson
Adron Doran	E. H. Martin	Ray G. Tipton
G. I. Drury	Harry L. Moore	E. N. Todd
Bernie S. Edlin	Fred Morgan	W. L. Trivette
A. H. Eversole	E. C. Mullins	Lyle H. Webb
Henry J. Giles	Rodes K. Myers	John Wilborn
Tom Gilliam	Thos. A. Noe	Mr. Speaker
Otto W. Goff	Louis T. Peniston	—41

Those who voted in the negative were—

Harold L. Barnes	E. R. Denny	W. E. McClure
J. C. Bradley	Harold G. Helm	Geo. W. Steinford
L. A. Demumbrun	L. H. Jones	—8

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 331. An Act relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 117.420 of the Kentucky Revised Statutes is amended to read as follows:

Sec. 1. Members of county boards of registration and purgation shall receive from three to eight dollars each per day, the exact compensation per day to be fixed by the fiscal court, for not more than twenty days per year, except in counties containing cities of the first class, in which each member shall receive $1,200 per annum, to be paid by the fiscal court in monthly installments. In counties that do not have a city of the first class, the board shall meet for not more than fifteen days before any primary election and for not more than fifteen days before any regular election. In counties having a city of the first class, the board may meet at any time necessary to perform its duties, and shall remain in session for the purpose of hearing challenges continuously from the date that the registration books are closed before any primary or regular election. In all counties the board shall hold all of its meetings at the courthouse unless it is necessary that it hold meetings at some other place in the county, but no meeting shall be held at any other place in the county unless the persons affected by the meeting are given written notice of its time and place.

Sec. 2. Subsection (2) of section 117.430 of the Kentucky Revised Statutes is amended to read as follows:

Each county board of registration and purgation shall employ the purgation officers provided for in KRS Chapter 117. Purgation officers shall receive from three to eight dollars per day, the exact compensation per day to be fixed by the fiscal court, for not more than twenty days per year.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	M. B. Gilligan	Louis T. Peniston
Harold L. Barnes	Otto W. Goff	L. W. Preston
F. H. Bassett, Jr.	Harold G. Helm	E. F. Prichard
Ott Begley	E. R. Hilton	Hobart Rayburn
B. J. Bonn	Jerry F. Howell	Wade H. Riley
J. C. Bradley	Ira W. Hulette	Amos Runyan
John Y. Brown	L. H. Jones	J. W. Simmons
Mrs. Mary Burnett	B. F. Kincaid	Luther Slusher
Chas. W. Burnley	G. O. Kirkpatrick	Forrest Smith
Alex. H. Calvert	Edgar Kitchen	E. A. Spencer
S. J. Daugherty	Homer E. Losey	Paul J. Stapleton
L. A. Demumbrun	E. J. Lucas	Ralph G. Stone
E. R. Denny	F. G. Marquette	C. W. Taylor
Adron Doran	E. H. Martin	E. L. Thompson
G. I. Drury	W. E. McClure	Ray G. Tipton
Bernie S. Edlin	Jack McPherron	E. N. Todd
R. R. Ernst	Harry L. Moore	Walter L. Trivette
A. H. Eversole	E. C. Mullins	Lyle H. Webb
Henry J. Giles	Rodes K. Myers	W. W. Webster
Tom Gilliam	Thos. A. Noe	—59

There voted in the negative—

Geo. J. Weining —1

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 32. Resolution authorizing the payment of witness claims to Henry Campbell.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Henry Campbell of Booneville, Kentucky, is now the owner of witness claims allowed in the Owsley Circuit Court at the March and June, 1944 terms, in the total amount of forty-three dollars and sixty-eight cents.

It appearing that said claims were not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by Henry Campbell of Booneville, Ky., and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claims, being forty-three dollars and sixty-eight cents, ($43.68), is hereby appropriated out of the General Fund for that purpose.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	G. I. Drury	G. O. Kirkpatrick
F. O. Baker	Bernie S. Edlin	Edgar Kitchen
F. H. Bassett, Jr.	R. R. Ernst	Homer E. Losey
Ott Begley	A. H. Eversole	E. J. Lucas
W. G. Biggers	Henry J. Giles	Ed Marcum
B. J. Bonn	Tom Gilliam	F. G. Marquette
J. C. Bradley	M. B. Gilligan	E. H. Martin
John Y. Brown	Otto W. Goff	W. E. McClure
Mrs. Mary Burnett	Harold G. Helm	Harry L. Moore
Chas. W. Burnley	Maurice Howard	J. Lee Moore
S. J. Daugherty	Jerry F. Howell	Joe T. Morgan
L. A. Demumbrun	J. J. Huff	E. C. Mullins
E. R. Denny	Ira W. Hulette	Rodes K. Myers
Adron Doran	B. F. Kincaid	Thos. A. Noe

Joe E. Nunn	Amos Runyan	E. L. Thompson
Louis T. Peniston	J. W. Simmons	Ray G. Tipton
Sylvester Phillips	Luther Slusher	Walter L. Trivette
L. W. Preston	Forrest Smith	Lyle H. Webb
E. F. Prichard	E. A. Spencer	W. W. Webster
Hobart Rayburn	Paul J. Stapleton	Geo. J. Weining
Wade H. Riley	Ralph G. Stone	Morris Weintraub
Kelse H. Risner	C. W. Taylor	—65

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 42. Resolution authorizing William Flannery to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Vernon Judd, personal representative of the estate of William Flannery, is authorized to sue the Commonwealth of Kentucky in Lee or Owsley Circuit Court for damages resulting from the death caused by alleged negligence on the part of the employees of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

The said suit shall not be for a sum in excess of Twenty Thousand Dollars ($20,000).

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems advisable. Any amount recovered in said suit on a settlement

by the Attorney General shall be paid out of the General Fund upon a warrant drawn by the Commissioner of Finance from the State Treasury. No plea of limitations shall be interposed. In the event suit is filed and judgment rendered by the circuit court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence or commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Tom Gilliam	Joe T. Morgan
F. O. Baker	M. B. Gilligan	E. C. Mullins
F. H. Bassett, Jr.	Otto W. Goff	Rodes K. Myers
Ott Begley	Harold G. Helm	Thos. A. Noe
W. G. Biggers	Maurice Howard	Joe E. Nunn
B. J. Bonn	Jerry F. Howell	Louis T. Peniston
J. C. Bradley	J. J. Huff	Sylvester Phillips
John Y. Brown	Ira W. Hulette	L. W. Preston
Mrs. Mary Burnett	B. F. Kincaid	E. F. Prichard
Chas. W. Burnley	G. O. Kirkpatrick	Hobart Rayburn
S. J. Daugherty	Edgar Kitchen	Wade H. Riley
L. A. Demumbrun	Homer E. Losey	Kelse H. Risner
E. R. Denny	E. J. Lucas	Amos Runyan
Adron Doran	Ed Marcum	J. W. Simmons
G. I. Drury	F. G. Marquette	Luther Slusher
Bernie S. Edlin	E. H. Martin	Forrest Smith
R. R. Ernst	W. E. McClure	E. A. Spencer
A. H. Eversole	Harry L. Moore	Paul J. Stapleton
Henry J. Giles	J. Lee Moore	Ralph G. Stone

C. W. Taylor	Walter L. Trivette	Geo. J. Weining
E. L. Thompson	Lyle H. Webb	Morris Weintraub
Ray G. Tipton	W. W. Webster	—65

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 43. Resolution authorizing Augustus Mainous to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That George Mainous, personal representative of the estate of Augustus Mainous, is authorized to sue the Commonwealth of Kentucky in Lee or Owsley Circuit Court for damages resulting from the death caused by alleged negligence on the part of the employees of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

The said suit shall not be for a sum in excess of Twenty Thousand Dollars ($20,000.).

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit on a settlement by the Attorney General shall be paid out of the General Fund upon a warrant drawn by the Commissioner of Finance from the State Treasury. No plea of limitations shall be interposed. In the event suit is filed and judgment rendered by the

circuit court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence or commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Harold G. Helm	Sylvester Phillips
F. O. Baker	Maurice Howard	L. W. Preston
F. H. Bassett, Jr.	Jerry F. Howell	E. F. Prichard
Ott Begley	J. J. Huff	Hobart Rayburn
W. G. Biggers	Ira W. Hulette	Wade H. Riley
B. J. Bonn	B. F. Kincaid	Kelse H. Risner
J. C. Bradley	G. O. Kirkpatrick	Amos Runyan
John Y. Brown	Edgar Kitchen	J. W. Simmons
Mrs. Mary Burnett	Homer E. Losey	Luther Slusher
Chas. W. Burnley	E. J. Lucas	Forrest Smith
S. J. Daugherty	Ed Marcum	E. A. Spencer
L. A. Demumbrun	F. G. Marquette	Paul J. Stapleton
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	C. W. Taylor
G. I. Drury	Harry L. Moore	E. L. Thompson
Bernie S. Edlin	J. Lee Moore	Ray G. Tipton
R. R. Ernst	Joe T. Morgan	Walter L. Trivette
A. H. Eversole	E. C. Mullins	Lyle H. Webb
Henry J. Giles	Rodes K. Myers	W. W. Webster
Tom Gilliam	Thos. A. Noe	Geo. J. Weining
M. B. Gilligan	Joe E. Nunn	Morris Weintraub
Otto W. Goff	Louis T. Peniston	—65

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 45. Resolution authorizing Grant Judd to sue the Commonwealth.

Said bill is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Steve Campbell, personal representative of the estate of Grant Judd, is authorized to sue the Commonwealth of Kentucky in Lee or Owsley Circuit Court for damages resulting from the death caused by alleged negligence on the part of the employees of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

The said suit shall not be for a sum in excess of Twenty Thousand Dollars ($20,000.).

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit on a settlement by the Attorney General shall be paid out of the General Fund upon a warrant drawn by the Commissioner of Finance from the State Treasury. No plea of limitations shall be interposed. In the event suit is filed and judgment rendered by the circuit court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon

the part of the Commonwealth and this resolution shall not be introduced as evidence or commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Harold G. Helm	Sylvester Phillips
F. O. Baker	Maurice Howard	L. W. Preston
F. H. Bassett, Jr.	Jerry F. Howell	E. F. Prichard
Ott Begley	J. J. Huff	Hobart Rayburn
W. G. Biggers	Ira W. Hulette	Wade H. Riley
B. J. Bonn	B. F. Kincaid	Kelse H. Risner
J. C. Bradley	G. O. Kirkpatrick	Amos Runyan
John Y. Brown	Edgar Kitchen	J. W. Simmons
Mrs. Mary Burnett	Homer E. Losey	Luther Slusher
Chas. W. Burnley	E. J. Lucas	Forrest Smith
S. J. Daugherty	Ed Marcum	E. A. Spencer
L. A. Demumbrun	F. G. Marquette	Paul J. Stapleton
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	C. W. Taylor
G. I. Drury	Harry L. Moore	E. L. Thompson
Bernie S. Edlin	J. Lee Moore	Ray G. Tipton
R. R. Ernst	Joe T. Morgan	Walter L. Trivette
A. H. Eversole	E. C. Mullins	Lyle H. Webb
Henry J. Giles	Rodes K. Myers	W. W. Webster
Tom Gilliam	Thos. A. Noe	Geo. J. Weining
M. B. Gilligan	Joe E. Nunn	Morris Weintraub
Otto W. Goff	Louis T. Peniston	—65

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 47. Resolution authorizing A. H. Bowman to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That A. H. Bowman is authorized to sue the Commonwealth of Kentucky in Lee Circuit Court or any Circuit Court having jurisdiction for damages resulting from personal injuries causing a loss of his wife's services, society and cure in attempted to restore her power to labor and earn money.

That her injuries are permanent and was caused by the gross negligence of the Commonwealth of Kentucky, Department of Highways, in leaving an open ditch, four feet wide and about four feet deep, clear across the hard-surfaced State Highway, near the Lee and Owsley line in Kentucky, and that the foreman of a Highway crew was grossly and criminally negligent in leaving said ditch wide open, unprotected by red lanterns or any signs, signals or warnings from four o'clock in the afternoon and all through the ensuing night, when said foreman was duly warned, that leaving said ditch open "would kill someone before morning." And that said A. H. Bowman and his said wife Rosie Bowman, while driving along said highway, near midnight, in their car—which car was caused to plunge into said ditch and turn over three times, permanently injuring both of them, and permanently causing him to lose her society, services and causing him great expense in attempting (vainly) to cure her.

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court either party may appeal to the Court of Appeals of Kentucky. No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Harold G. Helm	Sylvester Phillips
F. O. Baker	Maurice Howard	L. W. Preston
F. H. Bassett, Jr.	Jerry F. Howell	E. F. Prichard
Ott Begley	J. J. Huff	Hobart Rayburn
W. G. Biggers	Ira W. Hulette	Wade H. Riley
B. J. Bonn	B. F. Kincaid	Kelse H. Risner
J. C. Bradley	G. O. Kirkpatrick	Amos Runyan
John Y. Brown	Edgar Kitchen	J. W. Simmons
Mrs. Mary Burnett	Homer E. Losey	Luther Slusher
Chas. W. Burnley	E. J. Lucas	Forrest Smith
S. J. Daugherty	Ed Marcum	E. A. Spencer
L. A. Demumbrun	F. G. Marquette	Paul J. Stapleton
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	C. W. Taylor
G. I. Drury	Harry L. Moore	E. L. Thompson
Bernie S. Edlin	J. Lee Moore	Ray G. Tipton
R. R. Ernst	Joe T. Morgan	Walter L. Trivette
A. H. Eversole	E. C. Mullins	Lyle H. Webb
Henry J. Giles	Rodes K. Myers	W. W. Webster
Tom Gilliam	Thos. A. Noe	Geo. J. Weining
M. B. Gilligan	Joe E. Nunn	Morris Weintraub
Otto W. Goff	Louis T. Peniston	—65

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 103. Resolution authorizing payment of claim to Sam Stidham.

Said resolution is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Charles Cornett, former Sheriff of Perry County, Kentucky, be paid the sum of $80.78, for making a trip to Muskegon, Michigan, for the purpose of returning Sam Stidham who stood indictment in the Perry Circuit Court upon the charge of Knowlingly Receiving Stolen Property and delivering him to the Honorable Roy Helm, Judge of the Perry Circuit Court.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Ott Begley	J. C. Bradley
F. O. Baker	W. G. Biggers	John Y. Brown
F. H. Bassett, Jr.	B. J. Bonn	Mrs. Mary Burnett

Chas. W. Burnley	G. O. Kirkpatrick	Hobart Rayburn
S. J. Daugherty	Edgar Kitchen	Wade H. Riley
L. A. Demumbrun	Homer E. Losey	Kelse H. Risner
E. R. Denny	E. J. Lucas	Amos Runyan
Adron Doran	Ed Marcum	J. W. Simmons
G. I. Drury	F. G. Marquette	Luther Slusher
Bernie S. Edlin	E. H. Martin	Forrest Smith
R. R. Ernst	W. E. McClure	E. A. Spencer
A. H. Eversole	Harry L. Moore	Paul J. Stapleton
Henry J. Giles	J. Lee Moore	Ralph G. Stone
Tom Gilliam	Joe T. Morgan	C. W. Taylor
M. B. Gilligan	E. C. Mullins	E. L. Thompson
Otto W. Goff	Rodes K. Myers	Ray G. Tipton
Harold G. Helm	Thos. A. Noe	Walter L. Trivette
Maurice Howard	Joe E. Nunn	Lyle H. Webb
Jerry F. Howell	Louis T. Peniston	W. W. Webster
J. J. Huff	Sylvester Phillips	Geo. J. Weining
Ira W. Hulette	L. W. Preston	Morris Weintraub
B. F. Kincaid	E. F. Prichard	—65

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 115. Resolution for payment of claim to Ruby Watts.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

THAT there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of $250.47 for the purpose of paying the claims of Ruby Watts, Sheriff

of Knott County, for expenses incurred in returning certain fugitives from justice, and the Commissioner of Finance is directed to draw his warrant upon the State Treasurer in favor of the said Ruby Watts for the amount so appropriated.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson	Harold G. Helm	Sylvester Phillips
F. O. Baker	Maurice Howard	L. W. Preston
F. H. Bassett, Jr.	Jerry F. Howell	E. F. Prichard
Ott Begley	J. J. Huff	Hobart Rayburn
W. G. Biggers	Ira W. Hulette	Wade H. Riley
B. J. Bonn	B. F. Kincaid	Kelse H. Risner
J. C. Bradley	G. O. Kirkpatrick	Amos Runyan
John Y. Brown	Edgar Kitchen	J. W. Simmons
Mrs. Mary Burnett	Homer E. Losey	Luther Slusher
Chas. W. Burnley	E. J. Lucas	Forrest Smith
S. J. Daugherty	Ed Marcum	E. A. Spencer
L. A. Demumbrun	F. G. Marquette	Paul J. Stapleton
E. R. Denny	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	C. W. Taylor
G. I. Drury	Harry L. Moore	E. L. Thompson
Bernie S. Edlin	J. Lee Moore	Ray G. Tipton
R. R. Ernst	Joe T. Morgan	Walter L. Trivette
A. H. Eversole	E. C. Mullins	Lyle H. Webb
Henry J. Giles	Rodes K. Myers	W. W. Webster
Tom Gilliam	Thos. A. Noe	Geo. J. Weining
M. B. Gilligan	Joe E. Nunn	Morris Weintraub
Otto W. Goff	Louis T. Peniston	—65

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 345. An Act authorizing the imposition by cities and counties of an excise tax upon sale or distribution of distilled spirits.

Mr. J. Lee Moore moved that said bill be recommitted.

To the Committee on Rules.

Said motion was agreed to.

Mr. Myers moved that the Rules of this House be suspended, and that a bill entitled:

H. B. 496. An Act relating to plumbing.

Be taken from the hands of the Committee on Rules, for immediate consideration.

Said motion was disagreed to, having failed to receive the necessary majority.

The yeas and nays being required thereon by Messrs. Myers and Doran, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Bernie S. Edlin	Hobart Rayburn
Henry Arrowood	A. H. Eversole	Wade H. Riley
Harold L. Barnes	Tom Gilliam	Luther Slusher
Ott Begley	M. B. Gilligan	W. R. Smith
Mrs. Mary Burnett	J. J. Huff	E. A. Spencer
S. J. Daugherty	Ira W. Hulette	Ray G. Tipton
L. A. Demumbrun	Edgar Kitchen	Lyle H. Webb
E. R. Denny	Rodes K. Myers	Rodney Whitlow
G. I. Drury	Thos. A. Noe	—26

Those who voted in the negative were—

B. K. Brantley	G. O. Kirkpatrick	L. W. Preston
Henry J. Giles	J. L. Moore	E. N. Todd

—6

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 260. An Act concerning police and fire departments.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any member of the police or fire department of a city of the second or third class, who, while a member of the police or fire department, entered the Armed Forces of the United States, and who was honorably discharged therefrom, shall upon his return to that police or fire department be entitled to the same pension or benefits provided by KRS 95.560, and his beneficiaries shall be entitled to the same pension under KRS 95.550, as if the member had remained on active duty with that police or fire department, and his time served with the Armed Forces shall be added to his previous service and shall be construed for purposes of eligibility for pensions or benefits, either for himself or his beneficiaries, as a part and continuation of his consecutive years of service with that police or fire department.

Mr. Weintraub offered the following amendment to said bill, viz.:

Amend H. B. 260 on page 1, line 12 by changing the "period" to a comma following the word "department" and adding thereafter the following:

"Provided this Act shall apply only to those members who served in World War II, who apply for reinstatement within 90 days after the date on which the member first received or could have received an honorable discharge, and

shall not apply to those members re-enlisting in the Armed Forces of the United States."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	M. B. Gilligan	Hobart Rayburn
Roy W. Arnold	Otto W. Goff	Wade H. Riley
Henry Arrowood	R. M. Hall	Kelse H. Risner
F. O. Baker	Maurice Howard	Amos Runyan
Harold L. Barnes	Jerry F. Howell	J. W. Simmons
F. H. Bassett, Jr.	B. F. Kincaid	Luther Slusher
W. G. Biggers	Edgar Kitchen	Forrest Smith
B. J. Bonn	A. L. Love	E. A. Spencer
J. C. Bradley	Ed Marcum	Paul J. Stapleton
John Y. Brown	F. G. Marquette	Geo. W. Steinford
Mrs. Mary Burnett	E. H. Martin	L. S. Stephens
Chas. W. Burnley	W. E. McClure	Ralph G. Stone
Alex. H. Calvert	Jack McPherron	E. L. Thompon
S. J. Daugherty	Harry L. Moore	Ray G. Tipton
Adron Doran	J. L. Moore	E. N. Todd
G. I. Drury	J. Lee Moore	Walter L. Trivette
Bernie S. Edlin	E. C. Mullins	Lyle H. Webb
R. R. Ernst	Rodes K. Myers	Morris Weintraub
A. H. Eversole	Joe E. Nunn	Rodney Whitlow
Henry J. Giles	Louis T. Peniston	John Wilborn
Tom Gilliam	L. W. Preston	—62

There voted in the negative—

E. R. Denny —1

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 387. An Act regulating the propagation and keeping of bees.

Said bill is as follows, viz.:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Bees" means any stage of the common hive or honey bee (Apis mellifica) or other bees kept for the production of honey or wax.

(2) "Bee diseases" means American or European foul brood, sac-brood, bee paralysis, disappearing disease, Isle of Wight disease, or any other disease or abnormal condition of the eggs, larval, pupal or adult stages of bees.

(3) "Apiary" means any place where one or more colonies or nuclei or bees are kept.

(4) "Queen apiaries" means any apiary in which queen bees shall be reared for sale or gift.

(5) "Hive" means any modern frame hive, box hive, box, barrel, log gum, skep, or any other receptacle, natural or artificial, or any part thereof which may be used as a domicile for bees.

(6) "Appliances" means any honey house, used tools, machines, or devices used in the handling or manipulation of bees, honey, wax, or used hives. It shall also mean any container of honey, or wax, which may be used in an apiary.

(7) "Department" means the Department of Agriculture, Labor and Statistics or any division thereof to which the administration of this Act may be delegated by the Commissioner of Agriculture, Labor and Statistics.

(8) "Commissioner" means the Commissioner of Agriculture, Labor, and Statistics.

Section 2. The commissioner shall appoint a competent person as state apiarist, and such number of deputy state apiarists as may be necessary to carry out the provisions of this Act, and to fix their compensation. The state apiarist and deputy state apiarists shall be vested with the powers of police officers in the enforcement of the provisions of this act.

Section 3. The commissioner may make and enforce such rules and orders as in his judgment may be necessary to control, eradicate or prevent the introduction, spread or dissemination of any and all bee diseases. In the control or eradication of dangerous bee diseases the commissioner may destroy by burning or otherwise any infected bees, hives, honey or appliances that he may deem necessary for such control or eradication, without remuneration to the owner. Such infected bees, hives, honey and appliances shall be deemed a public nuisance.

Section 4. For the purposes of this act the commissioner may establish and maintain quarantines prohibiting the shipment into or within the state, or any subdivision thereof of any bees, queen bees, used hives or any part thereof, used appliances or any material capable of transmitting any bee diseases, for such periods and under such conditions as he may deem necessary to control, eradicate or prevent the introduction, spread, or dissemination of any and all bee diseases, giving such notice thereof as may be prescribed by the commissioner, and during the existence of such order no person shall remove or ship from such area any such material whatever except by special permission or order of the commissioner; provided, however, that before the commissioner shall promulgate the order of quarantine as provided in this section, the commissioner, shall after due notice to interested persons, give a public hearing under such rules and regulations as the commissioner shall prescribe, at which hearing any interested person may appear and be heard, either in person or by attorney.

Section 5. (1) Any person in interest or affected by any order of the commissioner or state apiarist may appeal

therefrom to the commissioner within five days of the service of such order upon him setting forth in writing specifically and in full detail the order on which a hearing is desired, and every reason why such order is deemed unreasonable.

(2) On receipt of such appeal the commissioner shall with reasonable promptness order a hearing thereon and consider and determine the matters in question. Notice of the time and place of hearing shall be given to the petitioner and to such other persons as the commissioner may direct. Such appeal shall suspend the operation of the order appealed from except as to the orders of the commissioner promulgating a quarantine as provided in Section 4 hereof. All hearings of the commissioner shall be open to the public and his decisions shall be final. The appellant may be represented by an attorney.

Section 6. Every person owning or possessing bees shall on or before the first day of July of each year file with the commissioner an application for registration, which application shall set forth the exact location of his apiary or apiaries, the number of colonies of bees in each apiary owned by him or in his possession or under his control, together with such other information as may be required by the commissioner and such person shall pay to the commissioner by draft or money order, made payable to the state department of agriculture, at the time of registration, the sum of not less than 25c nor more than $3.00 for each owner of an apiary, including all of his branch apiaries. The scale of said fees to be as follows:

1 to 10 colonies 25c
11 to 50 colonies 50c
51 to 200 colonies $1.00
201 to 300 colonies 1.50
301 to 400 colonies 2.00
401 and up colonies 3.00

The commissioner shall issue and deliver to each applicant a receipt declaring that the holder thereof is duly registered and has paid the fees required by law. All sums collected under this section shall be used for carrying out the provisions of this Act.

Section 7. The commissioner may at any time revoke any certificate for cause, including any violation of this Act, or nonconformity with any rule or order promulgated under this Act.

Section 8. For the purposes of this Act the commissioner or his duly authorized representatives shall have access and egress to any apiary or any premises, buildings or other places, public or private, in which he has reason to believe that bees, honey, wax, used hives or used appliances are kept, and any and all persons who shall resist, or hinder the commissioner or his duly authorized representative in the discharge of his duties under the provisions of this Act shall be guilty of a violation of this Act, provided however, that no occupied dwelling may be entered without a search warrant.

Section 9. The commissioner may publish an annual report and such other information concerning the inspection of bees, or bee diseases as he may deem necessary to the carrying out of the provisions of this Act. He shall also, from time to time, publish all rules and orders promulgated under the terms of this Act.

Section 10. Any person violating any of the provisions of this act shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for not exceeding sixty days, or by both such fine and imprisonment in the discretion of the court. In addition to the penalties hereinbefore provided, bees or combs, used hives, or other used apiary appliances brought into this state in violation of the provisions of this Act shall be confiscated and destroyed.

Section 11. All sums received for registration fees issued under the provisions of this Act during the fiscal years 1946-47 and 1947-48 shall be placed in the State Treasury to the credit of a revolving fund to be used by the Commissioner of Agriculture for the purpose of administering and enforcing the provisions of this Act. In addition to such revolving fund, there is hereby appropriated to the Department of Agriculture out of the general expenditure fund of the State Treasury for ordinary recurring expenses in carry-

ing out the provisions of this Act the sum of $20,000.00 for each of the fiscal years 1946-47 and 1947-48.

Section 12. This Act shall take effect on July 1, 1946.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. R. Ernst	Fred Morgan
F. H. Bassett, Jr.	Tom Gilliam	E. C. Mullins
Ott Begley	R. M. Hall	Rodes K. Myers
B. K. Brantley	Harold G. Helm	Thos. A. Noe
John Y. Brown	Clyde S. Howard	Sylvester Phillips
Mrs. Mary Burnett	Jerry F. Howell	L. W. Preston
Chas. W. Burnley	Ira W. Hulette	Luther Slusher
W. K. Coleman	H. K. Lowman	W. R. Smith
S. J. Daugherty	E. J. Lucas	E. A. Spencer
E. R. Denny	Ed Marcum	Paul J. Stapleton
Adron Doran	Jack McPherron	C. W. Taylor
G. I. Drury	J. L. Moore	S. J. Wagner
Forest C. Easley	J. Lee Moore	Mr. Speaker
Bernie S. Edlin		

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Those who voted in the negative were—

W. G. Biggers	A. L. Love	L. S. Stephens
J. C. Bradley	F. G. Marquette	E. L. Thompson
Alex. H. Calvert	E. H. Martin	Ray G. Tipton
A. H. Eversole	W. E. McClure	E. N. Todd
Henry J. Giles	Louis T. Peniston	Walter L. Trivette
M. B. Gilligan	Hobart Rayburn	Harry F. Walters
Otto W. Goff	Wade H. Riley	Lyle H. Webb
Maurice Howard	Kelse H. Risner	W. W. Webster
J. J. Huff	Amos Runyan	Geo. J. Weining
B. F. Kincaid	J. W. Simmons	Rodney Whitlow
G. O. Kirkpatrick	Forrest Smith	John Wilborn
Homer E. Losey		

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 353. An Act relating to traffic regulations and equipment of vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189-.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, subsections (2) of KRS 189.370, KRS 189.380, subsections (1), (2) and (4) of KRS 189.390, KRS 189.400 to 189.430, 189.450, to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, or KRS 189.570 to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than ten dollars nor more than two thousand dollars, or imprisoned in the county jail for not more than one year, or both.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	Jerry F. Howell	L. W. Preston
F. H. Bassett, Jr.	Ira W. Hulette	Kelse H. Risner
W. G. Biggers	Paul Jonas	Amos Runyan
B. J. Bonn	B. F. Kincaid	J. W. Simmons
B. K. Brantley	Edgar Kitchen	Luther Slusher
Mrs. Mary Burnett	Homer E. Losey	Forrest Smith
Chas. W. Burnley	H. K. Lowman	E. A. Spencer
Alex. H. Calvert	Ed Marcum	Paul J. Stapleton
S. J. Daugherty	F. G. Marquette	L. S. Stephens
E. R. Denny	E. H. Martin	E. L. Thompson
Adron Doran	W. E. McClure	Ray G. Tipton
G. I. Drury	Jack McPherron	E. N. Todd
Bernie S. Edlin	J. L. Moore	Walter L. Trivette
R. R. Ernst	J. Lee Moore	S. J. Wagner
Tom Gilliam	Fred Morgan	W. W. Webster
Otto W. Goff	E. C. Mullins	Geo. J. Weining
R. M. Hall	Rodes K. Myers	Morris Weintraub
E. R. Hilton	Joe E. Nunn	John Wilborn

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Those who voted in the negative were—

Ott Begley	A. L. Love	Louis T. Peniston
A. H. Eversole		

—4

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the orders of the Day, a bill entitled:

H. B. 223. An Act relating to higher education for Negroes.

With committee amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. A new section of the Statutes is created, to be numbered KRS 166.155 and to read as follows:

Commencing as of July 1, 1946, and continuing thereafter for such period as may be necessary for the purpose, the State Board of Education shall formulate and execute plans for the development and expansion of the facilities, departments of study and curricula of the Kentucky State College for Negroes so that the college will be enabled to do work such as is done in other educational institutions of corresponding rank and kind. The State Board of Education, on the basis of enrollment experience, applications for enrollment or instruction, anticipated educational requirements, and other relevant factors, shall determine in what fields such expansion and development shall first be made, and shall follow out such plan of expansion and development as will meet all reasonable and proper demands for educational training and instruction. Any facilities, departments of study, or curricula which are now established or which may hereinafter be established shall meet the accreditation requirements of recognized regional or national accrediting agencies.

Sec. 2. Section 166.160 of the Kentucky Revised Statutes is amended to read as follows:

Pending the provision of facilities within the State, all bona fide residents of this state who have been such residents continuously for one year next preceding application for aid pursuant to this section, and who are duly qualified to pursue courses of study offered at state institutions that they cannot attend because of the provisions of KRS 158.020, and which courses of study are not offered at other state institutions, shall have their tuition and fees paid by the state at educational institutions outside of Kentucky which they attend for the purpose of pursuing such courses. If, after a person has commenced a course of study at an educational institution outside of Kentucky, under a grant of aid pursuant

to this section, such course of study is made available at a state institution in Kentucky which such person would be permitted to attend, the grant of aid shall not cease, but shall be continued for the period necessary to complete such course at the out-of-state institution. A grant of aid made pursuant to this section shall continue for such period as is necessary to complete the course of study, notwithstanding that the period referred to in KRS 166.155 may expire before the course is completed.

Sec. 3. Section 166.170 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education shall prescribe rules and regulations governing the granting of aid under KRS 166.160. The tuition and fees shall be ascertained by the Superintendent of Public Instruction and paid upon his requisition out of funds appropriated for that purpose. If the funds appropriated for the purpose in any year are insufficient, the State Board of Education may prorate the funds among the persons whose applications are approved. Not more than $350 shall be allowed to any person under the provisions of this section and KRS 166.160 during any one school year of nine months. The State Board of Education may use a sum not to exceed ten percentum of the amount appropriated for this purpose in the administration of this section and KRS 166.160.

Sec. 4. A new section of the statutes is created, to be numbered KRS 166.180 and to read as follows:

Effective as of July 1, 1946 any Negro qualified to pursue a course of instruction of graduate grade or on the professional level, which course is not available at the Kentucky State College for Negroes, may pursue such course of instruction at any educational institution in this state at which the course is offered, in such case the provisions of KRS 158.020 shall not apply.

Said Committee amendments are as follows, viz.:

1. Amend H. B. 223 on page 2 and 3, section 3, line 11, by striking out after the period following the word "months" the remainder of the section.

2. Amend H. B. 223 on page 1, 2, 3, by striking out all of Section 1, Section 2, and Section 4.

Said amendments were agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Harold G. Helm	Hobart Rayburn
F. O. Baker	E. R. Hilton	Kelse H. Risner
Harold L. Barnes	Maurice Howard	Amos Runyan
F. H. Bassett, Jr.	Jerry F. Howell	Luther Slusher
Ott Begley	J. J. Huff	Forrest Smith
W. G. Biggers	Ira W. Hulette	W. R. Smith
B. J. Bonn	B. F. Kincaid	E. A. Spencer
J. C. Bradley	Homer E. Losey	Paul J. Stapleton
B. K. Brantley	A. L. Love	L. S. Stephens
John Y. Brown	H. K. Lowman	Ralph G. Stone
Mrs. Mary Burnett	Ed Marcum	C. W. Taylor
Chas. W. Burnley	F. G. Marquette	E. L. Thompson
Alex. H. Calvert	E. H. Martin	E. N. Todd
S. J. Daugherty	W. E. McClure	Walter L. Trivette
L. A. Demumbrun	Harry L. Moore	S. J. Wagner
Adron Doran	J. L. Moore	Harry F. Walters
G. I. Drury	E. C. Mullins	Lyle H. Webb
Bernie S. Edlin	Rodes K. Myers	W. W. Webster
R. R. Ernst	Louis T. Peniston	Morris Weintraub
A. H. Eversole	Sylvester Phillips	Rodney Whitlow
Henry J. Giles	L. W. Preston	John Wilborn
R. M. Hall	E. F. Prichard	—65

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 27. An Act relating to the police force in cities of the fourth and fifth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 95.740 of the Kentucky Revised Statutes is amended to read as follows:

(1) The chief of police and every member of the police force in cities of the fourth and fifth classes may, whether directed to them or not, execute warrants of arrest, processes, subpoenas and attachments for witnesses. They may arrest as prescribed by law for offenses against ordinances or municipal regulations of the city, and shall have the same power of arrest for offenses against the state as a sheriff.

(2) The chief of police and members of the police force shall be entitled to the same fees, and the same remedies for collecting them, that are allowed by law to sheriffs and other officers for similar services, but the city legislative body may, by ordinance, direct that the fees be paid into the city treasury when the chief of police and members of the police force are employed on a salary.

(3) The chief of police may appoint deputies, by and with the advice and consent of the city legislative body, who shall have the same powers and duties as the chief of police except they shall not command the police force.

(4) The chief of police may appoint special or extra police, by and with the advice of the mayor. These special or extra police, appointed for less than a week, shall take the oath prescribed by law but shall not be required to execute bond.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and neys being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Clyde S. Howard	Wade H. Riley
F. O. Baker	Maurice Howard	Kelse H. Risner
F. H. Bassett, Jr.	Jerry F. Howell	Amos Runyan
Ott Begley	J. J. Huff	Forrest Smith
B. J. Bonn	Ira W. Hulette	W. R. Smith
J. C. Bradley	Edgar Kitchen	E. A. Spencer
B. K. Brantley	Homer E. Losey	Paul J. Stapleton
Mrs. Mary Burnett	A. L. Love	L. S. Stephens
Chas. W. Burnley	F. G. Marquette	Ralph G. Stone
S. J. Daugherty	E. H. Martin	C. W. Taylor
L. A. Demumbrun	W. E. McClure	E. L. Thompson
Adron Doran	Harry L. Moore	E. N. Todd
Bernie S. Edlin	J. Lee Moore	Walter L. Trivette
R. R. Ernst	Fred Morgan	S. J. Wagner
A. H. Eversole	Rodes K. Myers	Harry F. Walters
Tom Gilliam	Thos. A. Noe	W. W. Webster
M. B. Gilligan	Louis T. Peniston	Morris Weintraub
R. M. Hall	L. W. Preston	John Wilborn
E. R. Hilton	E. F. Prichard	—56

Those who voted in the negative were—

E. R. Denny	E. C. Mullins	—2

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee of Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 201. An Act relating to securities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (9) of § 292.030 of the Kentucky Revised Statutes is amended to read as follows:

(9) Transactions by registered dealers, executed upon customers' orders on any exchange or in the open or counter market, but not the solicitation of such orders, where there is no intent to avoid the provisions of this chapter and public offering is not involved. Such dealer shall keep and maintain, for two years from the date of the order a record of all such transactions executed upon customers' orders, giving the name and address of each such customer, the name and identity of the securities involved, the date of such transactions, the price paid for or received for such securities, and the commission or other expenses charged to such customer.

The resale by a dealer or a broker or the purchase by a dealer or broker for the account of anyone else while such dealer or broker is registered as such under this Act (And not then being under any order or rule of suspension or revocation by any State or Federal Regulatory Authority), of any security or any security issued in exchange for any such security under a bona fide plan of reorganization or a corporation by order of court having jurisdiction, acquired at a price or prices reasonably related to the current market price of such security at the time of such acquisition, provided such resale or purchase for the account of anyone else is at a price or prices reasonably related to the current market price of such security at the time of such resale or purchase, and provided further such security is part of an issue (a) issued by an entity domiciled in the United States, and which security is outstanding, and information as to the issue of such security is published in a recognized manual of securities or is furnished in writing to the director, such information to include balance sheet as of a date not more than fifteen (15) months prior to the date of such resale or purchase and an income account for a period of not less than three

(3) years next prior to date of such balance sheet or for the period of existence of the issuer if such period of existence be less than three (3) years, or (b) which has within three (3) years next preceding such resale or purchase for the account of anyone else been disposed of to the public, in whole or in part, in this State as exempt securities under KRS 292.020, or in compliance with the provisions and requirements of KRS 292.040 to 292.080 inclusive. Provided, however, the exemption in subdivision (9) shall not apply unless such resale or purchase for the account of anyone else is made in good faith and not for the purpose of avoiding any of the provisions of this Act; nor shall such exemption apply (i) to the resale or purchase for the account of anyone else of any security while the right to sell, resell or purchase such security is enjoined by any court of competent jurisdiction, or to the resale or purchase of any security when the right to sell, resell or purchase such security has been suspended or cancelled by the Director under any of the provisions of this Act and such suspension or cancellation is in force and effect; or (ii) to any sale, resale or purchase for the account of anyone else of a security for the direct or indirect benefit of the issue of such security or for the direct or indirect promotion of any scheme which works or tends to work a fraud upon the purchaser.

Except as above provided, securities when disposed of by the persons and in the manner provided by this Section, shall not be subject to the provisions of this Act in such transactions.

§ 2. Subsection (9) of § 292.120 is amended to read as follows:

(9) The filing fee for registration or renewal thereof shall be one hundred dollars in the case of a dealer, and fifteen dollars in the case of a salesman, and such fee shall be paid to the Director at the time of filing application for registration or renewal.

§ 3. § 292.240 of the Kentucky Revised Statutes is amended to read as follows:

Except as to exempt securities as provided in KRS 292.020, securities the sale of which is an exempt transaction

as provided in KRS 292.030, securities which have been registered by notification as provided in KRS 292.050 and KRS 292.060 or have been registered by qualification as provided in KRS 292.070 or registered for resale or trading purposes as provided in KRS 292.080, no person shall:

(1) Advertise in this state, through or by means of any prospectus, circular, price list, letter, order blank, newspaper, periodical or otherwise;

(2) Circulate or publish any newspaper, periodical or other written matter in which any advertisement specified in this section appears; or

(3) Circulate any prospectus, price list, order blanks or other matter for the purpose of inducing or securing any subscription to or sale of any security, not exempted under any of the provisions of this chapter, and not sold or to be sold in one of the transactions exempted under the provisions of this chapter, until the requirements of this chapter have been fully complied with and such advertising matter has been filed with and approved by the Director.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	G. I. Drury	Jerry F. Howell
F. O. Baker	R. R. Ernst	Ira W. Hulette
F. H. Bassett, Jr.	Henry J. Giles	Paul Jonas
B. J. Bonn	Tom Gilliam	G. O. Kirkpatrick
J. C. Bradley	M. B. Gilligan	Edgar Kitchen
John Y. Brown	R. M. Hall	F. G. Marquette
Mrs. Mary Burnett	C. L. Hammonds	W. E. McClure
Alex. H. Calvert	Harold G. Helm	Jack McPherron
S. J. Daugherty	E. R. Hilton	Harry L. Moore
Adron Doran	Clyde S. Howard	J. L. Moore

J. Lee Moore	Amos Runyan	E. N. Todd
Fred Morgan	Luther Slusher	Walter L. Trivette
Rodes K. Myers	Forrest Smith	S. J. Wagner
Louis T. Peniston	W. R. Smith	Harry F. Walters
L. W. Preston	E. A. Spencer	W. W. Webster
E. F. Prichard	L. S. Stephens	Geo. J. Weining
Hobart Rayburn	E. L. Thompson	Morris Weintraub
Wade H. Riley	Ray G. Tipton	John Wilborn
Kelse H. Risner		—55

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 164. An Act to repeal sec. 325.010 and 325.990 KRS to regulate the practice of public accounting.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SEC. 1. NAME. This Act may be cited as the "Public Accounting Act of 1946."

SEC. 2. BOARD OF ACCOUNTANCY. There is hereby created a State Board of Accountancy in and for the State of Kentucky. The Board shall consist of three members, appointed by the Governor. Whenever an appointment is to be made the Kentucky Society of Certified Public Accountants shall submit to the Governor the names of three persons qualified for membership on the Board and the Governor shall appoint one of the three. Members of the Board shall be citizens of the United States and residents of this State who hold certified public accountant certificates issued under the laws of this State and who are in active practice as certified

public accountants. The members of the Board first to be appointed shall hold office, one for one year, one for two years, and one for three years, from the effective date of this Act, the term of each to be designated by the Governor. Their successors shall be appointed for terms of three years. Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of his term of office a member shall continue to serve until his successor shall have been appointed and shall have qualified. The Governor shall remove from the Board any member whose permit to practice is not renewed or which has become void, revoked or suspended, and may, after hearing, remove any member of the Board for neglect of duty or other just cause.

The Board shall elect annually, a president, a secretary and a treasurer from its members. The office of secretary and treasurer may be held by the same individual. The Board may adopt, and amend from time to time, regulations for the orderly conduct of its affairs and for the administration of this Act. The Board may also promulgate, and amend from time to time, rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accounting. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall have a seal which shall be judicially noticed. The Board shall keep records of its proceedings, and in any proceeding in court, civil or criminal, arising out of or founded upon any provision of this Act, copies of said records certified as correct under the seal of the Board shall be admissible in evidence as tending to prove the content of said records. The Board shall have printed and published for public distribution, in July of each year, an annual register which shall contain the names, arranged alphabetically by classifications, of all individuals and partnerships holding permits to practice under this Act; the names of the members of the Board; and such other matters as may be deemed proper by the Board. Copies of said registers shall be mailed to each registered practitioner. The Board may employ clerks and arrange for assistance in the performance of its duties.

Each member of the Board shall be paid ten dollars for each day spent in the discharge of his official duties and shall be reimbursed for his actual and necessary expenses therein incurred.

All fees and other monies received by the Board pursuant to the provisions of this Act shall be paid to the treasurer of the Board for the use of the Board, and shall be deposited in the State Treasury to the credit of a revolving fund for the use of the Board. No part of this revolving fund shall revert to the general funds of this State. The compensation provided by this Act and all expenses incurred under this Act shall be paid from this revolving fund. No such compensation or expense shall be charged against the general funds of this State. The Board shall file an annual report of its activities with the Governor, and such report shall include a statement of all receipts and disbursements.

SEC. 3. CERTIFIED PUBLIC ACCOUNTANTS. The certificate of "certified public accountant" shall be granted by the Board to any person (a) who is a citizen of the United States or who has duly declared his intention of becoming such a citizen, and (b) who is a resident of this State or who has a place of business or is employed therein, and (c) who has attained the age of twenty-three years, and (d) who is of good moral character, and (e) who is either.

(1) A graduate of a college or university recognized by the Board, and who has completed thirty or more semester hours or the equivalent thereof in the study of accounting, business law, economics and finance, of which at least twenty semester hours or the equivalent thereof shall be in the study of accounting, and who has been engaged in practice as a public accountant, or in the employ of a public accountant or of a certified public accountant for two years preceding the date of application, or

(2) A graduate of a college or university recognized by the Board, but who has not completed the hours of study and subjects specified in subdivision (1) of this section, and who has been engaged in practice as a public accountant or in the employ of a public accountant or of a certified public accountant, for three years preceding the date of application, or

(3) A graduate of a high school with a four-year course or who has had an equivalent education, who has been in practice as a public accountant, or in the employ of a public accountant, or of a certified public accountant, for at least six years preceding the date of application, and (f) who shall have successfully passed a written examination in theory of accounts, in accounting practice in auditing, in commercial law as affecting public accounting and in such other related subjects as the Board may deem advisable. Any person licensed to practice law in this State need not be examined with respect to such commercial law.

Examinations provided for herein shall be held by the Board as often as may be necessary in the opinion of the Board, but not less frequently than once each year. A candidate for a certificate of "certified public accountant" who fails in all subjects shall have the right to any number of re-examinations. A candidate who passes a satisfactory examination in any subject shall have the right to be re-examined in the remaining subjects only, at subsequent examinations held by the Board, and if he passes in the remaining subjects within a period of time specified in the rules of the Board, he shall be considered to have passed the examination. The Board shall charge each candidate a fee of $25 for the initial examination. This fee shall be payable by the candidate at the time of making application for examination. Should the candidate fail to pass the examination, re-examinations will be given the same candidate for an additional fee of $10 for each examination irrespective of the number of subjects therein covered.

Any individual who has received from the Board a certificate of "certified public accountant" and who holds an annual permit to practice issued under sec. 8 of this Act shall be styled and known as a "certified public accountant" and may also use the abbreviation "CPA." The Board shall keep a list of certified public accountants. Any certified public accountant may also be known as a "public accountant."

Individuals who at the time of the enactment of this Act held certified public accountant certitificates heretofore

issued under the laws of this State shall not be required to secure additional certificates under this Act, but shall otherwise be subject to all of its provisions; and such certificates heretofore issued shall, for all purposes, be considered certificates issued under this Act and subject to all of its provisions.

The Board may in its discretion waive the examination of, and may issue a certificate as "certified public accountant" to, any person possessing the other qualifications mentioned in this section who is the holder of a certificate as certified public accountant issued under the laws of any state.

SEC. 4. REGISTRATION OF FOREIGN ACCOUNTANTS. The Board may, in its discretion, permit the registration of any person of good moral character who is the holder of a certificate, license, or degree authorizing him to practice public accounting in a foreign country. A person so registered shall use only the title under which he is generally known in his own country, followed by the name of the country from which he received his certificate, license or degree.

SEC. 5. PARTNERSHIPS COMPOSED OF CERTIFIED PUBLIC ACCOUNTANTS — REGISTRATION THEREOF. A partnership engaged in this State in the practice of public accounting may register with the Board as a partnership of certified public accountants provided it meets all of the following requirements:

(a) At least one general partner thereof must be a certified public accountant of this State in good standing, and

(b) Each partner thereof personally engaged within this State in the practice of public accounting as a member thereof must be a certified public accountant of this State in good standing, and

(c) Each partner thereof must be a certified public accountant of some state in good standing, and

(d) Each resident manager in charge of an office of the firm in this State must be a certified public accountant of this State in good standing. Application for such registration must be made upon the affidavit of a general partner

of such partnership who is a certified public accountant of this State in good standing. The Board shall in each case determine whether the applicant partnership is eligible for registration. A partnership which is so registered and which holds a permit issued under sec. 8 of this Act may use the words "certified public accountants" or the abbreviation "CPA's" in connection with its partnership name. Notification shall be given the Board, within one month, after the admission to or withdrawal of a partner from any partnership so registered.

SEC. 6. PUBLIC ACCOUNTANTS-REGISTRATION THEREOF. Any person (a) who is a resident of this State, or has a place of business, or is employed therein, and (b) who has attained the age of twenty-one years, and (c) who is of good moral character, and (d) who meets the requirements of subdivision (1) or (2) or (3) of this section, may register as a public accountant with the Board on or before the first day of July, 1946.

(1) Persons who held themselves out to the public as public accountants and who were engaged within this State at the effective date of this Act in the practice of public accounting as their principal occupation.

(2) Staff accountants employed by certified public accountants or by public accountants and regularly assigned to accounting engagements at the effective date of this Act.

(3) Persons serving in the armed forces of the United States or any of the United Nations who immediately prior to entering such service held themselves out to the public as public accountants and were engaged in the practice of public accounting as their principal occupation, or who were employed as staff accountants by certified public accountants or by public accountants and regularly assigned to accounting engagements. In the case of any such person serving in the armed forces of the United States or any of the United Nations on the effective date of this Act, the time for registration shall be extended for a period of twelve months from

the time such person is honorably discharged from such service.

The board shall in each case determine whether the applicant is eligible for registration. Any individual who is so registered and who holds a permit issued under sec. 8 of this Act shall be styled and known as a "public accountant."

SEC. 7. PARTNERSHIPS COMPOSED OF PUBLIC ACCOUNTANTS-REGISTRATION THEREOF. A partnership engaged in this State in the practice of public accounting may register with the Board as a partnership of public accountants provided it meets all of the following requirements:

(a) At least one general partner thereof must be a certified public accountant or a public accountant of this State in good standing, and

(b) Each partner thereof personally engaged within this State and in the practice of public accounting as a member thereof must be a certified public accountant or a public accountant of this State in good standing, and

(c) Each resident manager in charge of an office of a firm in this State must be a certified public accountant or a public accountant of this State in good standing. Application for such registration must be made upon the affidavit of a general partner of such partnership who holds a permit to practice in this State as a certified public accountant or as a public accountant. The Board shall in each case determine whether the applicant partnership is eligible for registration. A partnership which is so registered and which holds a partnership permit issued under sec. 8 of this Act may use the words "public accountants" in connection with its partnership name. Notification shall be given the Board, within one month, after the admission to or withdrawal of a partner from any partnership so registered.

SEC. 8. ANNUAL PERMITS TO PRACTICE. Permits to engage in the practice of public accounting in this State shall be issued by the Board to holders of a certificate of "certified public accountant" issued under sec. 3 of this

Act and to individuals and partnerships registered under sections 4, 5, 6, and 7 of this Act. There shall be a fee of $10.00 for the original permit. All permits shall expire on the 1st day of July of each year, but may, annually, be renewed for a period of one year, by certificate holders and registrants in good standing upon the payment of an annual renewal fee of $5.00. Failure to renew a permit before expiration thereof shall not deprive a certificate holder or a registrant of the right to renewal, in such cases a renewal fee of $10.00 shall be paid.

SEC. 9. REVOCATION OR SUSPENSION OF CERTIFICATE, OR REGISTRATION, OR PERMIT. After notice and hearing as provided in sec. 11 of this Act, the Board may revoke or suspend any certificate issued under sec. 3 of this Act, or any registration granted under sec. 6 of this Act, or may revoke, supend or refuse to renew any permit issued under sec. 8 of this Act, or may censure the holder of any such permit, for any one or any combination of the following causes:

(a) Fraud or deceit in obtaining a certificate as certified public accountant, or in obtaining registration under this Act, or in obtaining a permit to practice public accounting under this Act.

(b) Dishonesty, fraud or negligence in the practice of public accounting.

(c) Violation of any of the provisions of sec. 13 of this Act.

(d) Repeated violation of a rule of professional conduct promulgated by the Board under the authority granted by this Act, after warning by the Board that such continued violation will constitute grounds for proceedings hereunder.

(e) Conviction of a felony under the laws of any state or of the United States.

(f) Conviction of any crime, an essential element of which is dishonesty or fraud, under the laws of any state or of the United States.

(g) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant or a public accountant in any state.

(h) Suspension or revocation of the right to practice before any state or federal agency or court.

(i) Failure to become a citizen of the United States within six years by any person not a citizen of the United States when he received a certificate as certified public accountant under this Act.

SEC. 10. REVOCATION OR SUSPENSION OF PARTNERSHIP REGISTRATION OR PERMIT. After notice and hearing as provided in sec. 11 of this Act the Board shall revoke the registration and permit to practice of a partnership if at any time it does not have all the qualifications prescribed by the section of this Act under which it qualified for registration.

After notice and hearing as provided in sec. 11 of this Act the Board may revoke or suspend the registration or may revoke, suspend or refuse to renew the permit to practice of a partnership or may censure the holder of any such permit for any of the causes enumerated in sec. 9, and for the following additional causes:

(a) The revocation or suspension of the certificate or registration or the revocation or suspension or refusal to renew the permit to practice of any partner.

(b) The cancellation, revocation, suspension or refusal to renew the authority of the partnership or any partner thereof to practice public accounting in any other state.

SEC. 11. HEARING BEFORE BOARD-NOTICE-PROCEDURE-REVIEW. (a) Commencement of Proceeding. The Board may initiate proceedings under this Act either on its own motion or on the complaint of any person.

(b) Notice-Service and Contents. A written notice stating with reasonable particularity the nature of the charge and such acts of professional misconduct as are complained of against the accused and the time and place of the hearing before the Board on such charges shall be served on the accused not less than 30 days prior to the date of the hearing either personally or by mailing a copy thereof by registered mail to the address of the accused last known to the Board.

(c) Failure to Appear. If, after having been served with the notice of hearing as provided for herein, the accused fails to appear at said hearing, the Board may hear evidence against him and may enter such order as shall be justified by the evidence, which order shall be final unless he petitions for a review thereof as provided herein: Provided, however, that within 30 days from the date of any order, upon a showing of good cause for failing to appear, the Board may reopen said proceedings and may permit the accused to submit evidence in his behalf.

(d) Counsel-Witnesses-Cross-examination. At any hearing the accused may appear in person or by counsel, produce evidence and witnesses on his own behalf, cross-examine witnesses, and examine such evidence and documents as may be produced against him. The accused shall be entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his behalf.

(e) Subpoenas-Oaths. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proof and receive exhibits in evidence in connection with or at the hearing under this Act. In case of disobedience to a subpoena the Board may invoke the aid of the Franklin Circuit Court. Any order or subpoena of such court requiring the attendance and testimony of witnesses and the production of documentary evidence may be enforced and shall be valid anywhere in this state.

(f) Evidence. The Board shall not be bound by technical rules of evidence.

(g) Record. A stenographic record of the hearing shall be kept and a transcript thereof filed with the Board.

(h) Attorney for the Board. At all hearings the Attorney General of this State, or one of his assistants designated by him shall appear and represent the Board.

(i) Decision. The decision of the Board shall be by majority vote thereof.

(j) Review by Court. Any person adversely affected by any order of the Board may obtain a review thereof by

filing a written petition for review with Franklin Circuit Court within 60 days after the entry of said order. The petition shall state the grounds upon which the review is asked and shall pray that the order of the Board be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon any member of the Board and thereupon the Board shall certify and file in the Court a transcript of the record upon which the order complained of was entered. The case shall then be tried de novo on the record but the parties shall be permitted to file briefs. The Court may affirm, modify or set aside the Board's order in whole or in part, or may remand the case to the Board for further evidence, and may in its discretion, stay the effect of the Board's order pending its determination of the case. The Court's order shall have the force and effect of a decree in equity and may be appealed from to the Court of Appeals.

SEC. 12. REINSTATEMENT. The Board may reissue the certificate of any certified public accountant whose certificate shall have been revoked, or may permit the reregistration of any person whose registration has been revoked, or may reissue or modify the suspension of any permit to practice public accounting which has been revoked or suspended.

SEC. 13. ACTS DECLARED UNLAWFUL. (a) No person shall assume or use the title or designation "certified public accountant" or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a certified public accountant, unless such person has received a certificate as a certified public accountant under sec. 3 of this Act and holds a permit issued under sec. 8 of this Act which has not been revoked or suspended, provided, however, that a foreign accountant who has registered under the provisions of sec. 4 of this Act, and who holds a permit issued under sec. 8 of this Act, and which has not been revoked or suspended, may use the title under which he is generally known in his own country, followed by the name of the country from which he received his certificate, license or degree.

(b) No partnership shall assume or use the title or designation "certified public accountants" or the abbreviation "CPA's" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such partnership is composed of certified public accountants unless such partnership is registered as a partnership of certified public accountants under sec. 5 of this Act and holds a permit issued under sec. 8 of this Act which has not been revoked or suspended.

(c) No individual shall assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a public accountant, unless such person is registered as a public accountant under sec. 6 of this Act and holds a permit issued under sec. 8 of this Act which has not been revoked or suspended, or unless such person has received a certificate as a certified public accountant under sec. 3 of this Act and holds a permit issued under sec. 8 of this Act which has not been revoked or suspended.

(d) No partnership shall assume or use the title or designation "public accountants" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such partnership is composed of public accountants, unless such partnership is registered as a partnership of public accountants under sec. 7 of this Act or as a partnership of certified public accountants under sec. 5 of this Act and holds a permit issued under sec. 8 of this Act which has not been revoked or suspended.

(e) No individual, partnership or corporation shall assume or use the title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant," or any other title or designation likely to be confused with "certified public accountant" and "public accountant," or any of the abbreviations "CA," "PA," "EA," "RA," or "LA," or similar abbreviations likely to be confused with "CPA," provided, however, that a foreign accountant who has registered under the provision of sec. 4 of this Act, and who holds a permit

issued under sec. 8 of this Act which has not been revoked or suspended, may use the title under which he is generally known in his own country, followed by the name of the country from which he received his certificate, license or degree.

(f) No individual shall affix his signature, with any wording indicating that he is an accountant or auditor, or with any wording indicating that he has expert knowledge in accounting or auditing, to any accounting or financial statement, or to any opinion on, report on or certificate to any accounting or financial statement, unless he holds a permit issued under sec. 8 of this Act which has not been revoked or suspended, provided, however, that the provisions of this subsection shall not prohibit any officer, employee, partner or principal of any organization from affixing his signature to any statement or report in reference to the financial affairs of said organization with any wording designating the position, title, or office which he holds in said organization, nor shall the provisions of this subsection prohibit any act of a public official or public employee in the performance of his duties as such.

(g) No individual shall sign or affix a partnership name, with any wording indicating that it is a partnership composed of accountants or auditors or persons having expert knowledge in accounting or auditing, to any accounting or financial statement, or to any report on or certificate to any accounting or financial statement, unless the partnership holds a permit issued under sec. 8 of this Act which has not been revoked or suspended.

(h) No individual shall sign or affix a corporate name, with any wording indicating that it is a corporation performing services as accountants or auditors or composed of accountants or auditors or persons having expert knowledge in accounting or auditing, to any accounting or financial statement, or to any report on or certificate to any accounting or financial statement.

SEC. 14. EXCEPTIONS—ACTS NOT PROHIBITED. Nothing contained in this Act shall prohibit any individual not a certified public accountant or public accountant from

serving as an employee of, or an assistant to, a certified public accountant or public accountant or partnership composed of certified public accountants or public accountants holding a permit to practice under sec. 8 of this Act; provided that such employee or assistant shall not issue any accounting or financial statement over his name.

Nothing contained in this Act shall prohibit a certified public accountant or a registered public accountant of another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice therein, from temporarily practicing in this state on professional business incident to his regular practice.

SEC. 15. INJUNCTION AGAINST UNLAWFUL ACT. Whenever in the judgment of the Board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of sec. 13 of this Act, the Board may make application to the Franklin Circuit Court for an order enjoining such acts or practices, and upon a showing by the Board that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court. The same shall be enforceable and shall be valid anywhere in this State and shall be reviewable as provided in the code of Civil Practice in the case of other injunctions and restraining orders.

SEC. 16. MISDEMEANORS—PENALTY. Any person who violates any provision of sec. 13 of this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars, or to imprisonment for not more than one year, or to both such fine and imprisonment. Whenever the Board has reason to believe that any person is liable to punishment under this section it may certify the facts to the Attorney General of this State, who may, in his discretion, cause appropriate proceedings to be brought.

SEC. 17. SINGLE ACT EVIDENCE OF PRACTICE. The display or uttering by a person of a card, sign, advertisement or other printed, engraved or written instrument or

device, bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof, or "public accountant" shall be prima facie evidence in any action brought under sec. 15 or sec. 16 of this Act that the person whose name is so displayed, caused or procured the display or uttering of such card, sign, advertisement or other printed, engraved or written instrument or device, and that such person is holding himself or itself out to be a certified public accountant or a public accountant holding a permit to practice under sec. 8 of this Act. In any such action evidence of the commission of a single act prohibited by this Act shall be sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

SEC. 18. OWNERSHIP OF ACCOUNTANTS' WORKING PAPERS. All statements, records, schedules, working papers, and memoranda made by a certified public accountant or public accountant incident to or in the course of professional service to clients by such certified public accountant or public accountant, except reports submitted by a certified public accountant or public accountant to a client, shall be and remain the property of such certified public accountant or public accountant, in the absence of an express agreement between the certified public accountant or public accountant and the client to the contrary.

SEC. 19. EXEMPTION FROM JURY SERVICE. An individual holding a permit issued under sec. 8 of this Act shall be exempt from service on any jury.

SEC. 20. PRIVILEGED COMMUNICATION. A certified public accountant or public accountant shall not be required by any court to divulge information or evidence which has been obtained by him in his confidential capacity as such.

SEC. 21. DEFINITIONS. (1) Board — The term "Board" when used in this Act means the "State Board of Accountancy" created by sec. 2 of this Act.

(2) State—The term "state" when used in this Act includes and means any state, territory or insular possession of the United States, or the District of Columbia.

SEC. 22. CONSTRUCTION. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 23. REPEAL PROVISIONS. Sections 325.010 to 325.990 both inclusive of Kentucky Revised Statutes and all other acts or parts of acts in conflict herewith are hereby repealed: Provided, however, that nothing in this Act contained shall invalidate or affect any action taken under any law in effect prior to the effective date hereof, nor shall invalidate or affect any proceeding instituted under such law before the effective date hereof.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Bernie S. Edlin	W. E. McClure
Henry Arrowood	Henry J. Giles	J. L. Moore
Harold L. Barnes	R. M. Hall	Fred Morgan
F. H. Bassett, Jr.	C. L. Hammonds	E. C. Mullins
W. G. Biggers	Harold G. Helm	Rodes K. Myers
B. J. Bonn	E. R. Hilton	Joe E. Nunn
J. C. Bradley	Clyde S. Howard	Louis T. Peniston
B. K. Brantley	Jerry F. Howell	Sylvester Phillips
John Y. Brown	J. J. Huff	L. W. Preston
Mrs. Mary Burnett	Ira W. Hulette	E. F. Prichard
Chas. W. Burnley	G. O. Kirkpatrick	Hobart Rayburn
Alex. H. Calvert	Edgar Kitchen	Wade H. Riley
L. A. Demumbrun	Homer E. Losey	Kelse H. Risner
E. R. Denny	A. L. Love	Amos Runyan
Adron Doran	F. G. Marquette	J. W. Simmons
G. I. Drury	E. H. Martin	Luther Slusher

Forrest Smith	E. L. Thompson	Lyle H. Webb
W. R. Smith	Ray G. Tipton	W. W. Webster
Paul J. Stapleton	E. N. Todd	Geo. J. Weining
L. S. Stephens	Walter L. Trivette	Rodney Whitlow
Ralph G. Stone	Harry F. Walters	John Wilborn

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 122. An Act making provision for a Department of Banking.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) There is created a Department of Banking, which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The department shall be headed by a Commissioner of Banking, who shall be the executive head of the department and shall be charged with the administration of the department.

(2) The Department of Banking shall have and exercise all administrative functions of the state in relation to the regulation, supervision, chartering and licensing of banks, trust companies, building and loan associations, petty loan companies, investment and industrial loan companies, and credit unions. For administrative purposes the department may be divided into sections for each class of financial institutions under the jurisdiction of the department.

(3) Wherever in the statutes there is a reference to the "Division of Banking," "Director of Banking," "deputy di-

rector of banking'' or similar official, it shall be deemed to refer respectively, to the Department of Banking, Commissioner of Banking, deputy commissioner of Banking or other appropriate official of the Department of Banking.

§ 2. The Governor shall appoint as Commissioner of Banking a practical banker with not less than five years banking experience. For this purpose, ''banking experience'' means service as an executive in a state bank in a grade not lower than cashier, or service as a deputy commissioner or examiner in the Department of Banking or in the former Division of Banking of Kentucky, or as Director of former Division of Banking, or as former Commissioner of Banking.

§ 3. The Commissioner of Banking shall appoint a Deputy Commissioner with the prior written approval of the Governor. The Deputy Commissioner shall have the same qualifications as are required by the Commissioner, and shall, during the absence or inability of the commissioner or under his instructions, or in the event of a vacancy in the office of the Commissioner and until the vacancy is filled, be vested with all the powers and perform all the duties of the commissioner.

§ 4. Section 286.020 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

The department shall have and exercise all administrative functions of the state except as otherwise provided by law in relation to:

(1) The supervision of motor transportation for hire;

(2) The regulation of insurance practices.

§ 5. Section 286.030 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

The Chairman of the Public Service Commission shall be ex officio Commissioner of Business Regulation and as such shall be head of the department. For administrative purposes the department shall be divided into a Division of Motor Transportation, a Division of Securities and a Division of Insurance. The heads of the divisions shall be appointed by the Governor and shall act under the supervision of the commissioner.

§ 6. Section 286.050 of the Kentucky Revised Statutes is repealed.

§ 7. Section 287.010 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Bank" includes every corporation authorized by this chapter to do a banking business;

(b) "Director of banking" means the Commissioner of Banking;

(c) "Division" means the Department of Banking;

(d) "Population" means the population as indicated by the latest regular United States census; and

(e) "Trust company" includes every corporation authorized by this chapter to do a trust business.

(2) Whenever a corporation engages in the business of real estate title insurance and also a banking or trust business under the provisions of this chapter, the banking or trust business shall be regulated by this chapter and the real estate title insurance business shall be regulated by the laws relating to real estate title insurance companies.

§ 8. Section 287.440 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) The Commissioner of Banking shall appoint a sufficient number of examiners and assistant examiners to examine all institutions coming under the supervision of the Department of Banking. A salary schedule for examiners and assistant examiners shall be prepared by the Commissioner and presented to the Commissioner of Finance for his approval. In the event an advisory State Banking Board is established by law, the appointment and compensation of examiners and assistant examiners shall be with the advice of such board.

(2) Each examiner and assistant examiner of the Department of Banking shall be a resident and a citizen of this state, shall be a practical bookkeeper and accountant and shall have had not less than four years' actual experience as

an officer or clerk in a bank, trust company, or building and loan association.

(3) The Commissioner of Banking, the deputy commissioner and each examiner shall take the Constitutional oath of office and shall execute bond approved by the Department of Finance. All such bonds shall be filed in the office of the Secretary of State, and the costs of such bonds shall paid by the state.

(4) Neither the Commissioner of Banking, nor the deputy commissioner, nor any examiner or assistant examiner shall be indebted directly or indirectly either as borrower, endorser, surety or guarantor, to any bank or trust company under his supervision or subject to his examination, nor shall he be a director, officer or employee in such bank or trust company, nor engage or become interested in the sale of securities as a business or in the negotiation of loans for others.

(5) No person shall be assigned to examine the affairs of any bank or trust company in a county in which he holds stock in either a state or national bank or trust company.

§ 9. Subsection (1) of Section 288.010 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Director of banking" means the Commissioner of Banking; and

(b) "Licensee" means a person licensed under this chapter.

§ 10. Section 289.010 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Association" means a building and loan association organized under the laws of this state;

(2) "Director of banking" means the Commissioner of Banking; and

(3) "Foreign association" means a building and loan association, corporation or society organized under the laws of any other state.

§ 11. Section 290.010 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Corporation" means a credit union organized as provided in this chapter; and

(2) "Director of Banking" means the Commissioner of Banking.

§ 12. Subsection (2) of Section 291.010 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(2) As used in this chapter:

(a) "Director of banking" means the Commissioner of Banking; and

(b) "Foreign investment company" means an investment company organized under the laws of any other state.

§ 13. Section 290.090 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

Each credit union shall make a report of its condition to the director of banking on blank forms to be supplied by the Department of Banking on the dates of the calls made to state banks. Notice of the calls shall be sent out by the director of banking. The reports shall be verified by the oath of a majority of the members of the supervisory committee, or by the oath of the president and treasurer or secretary, and further reports shall be made as the director at any time demands.

§ 14. Any appropriation heretofore or hereafter made to the Division of Banking in the Department of Business Regulation shall be deemed to have been made to the Department of Banking created by this Act.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Jerry F. Howell	Hobart Rayburn
Henry Arrowood	J. J. Huff	Wade H. Riley
F. O. Baker	Ira W. Hulette	Kelse H. Risner
F. H. Bassett, Jr.	G. O. Kirkpatrick	Amos Runyan
B. J. Bonn	Edgar Kitchen	J. W. Simmons
J. C. Bradley	Homer E. Losey	Luther Slusher
B. K. Brantley	A. L. Love	Forrest Smith
John Y. Brown	H. K. Lowman	W. R. Smith
Chas. W. Burnley	F. G. Marquette	Paul J. Stapleton
Alex. H. Calvert	E. H. Martin	Ralph G. Stone
E. R. Denny	W. E. McClure	E. L. Thompson
Adron Doran	J. L. Moore	Ray G. Tipton
G. I. Drury	J. Lee Moore	E. N. Todd
R. R. Ernst	Fred Morgan	Walter L. Trivette
Tom Gilliam	E. C. Mullins	S. J. Wagner
M. B. Gilligan	Rodes K. Myers	Lyle H. Webb
C. L. Hammonds	Louis T. Peniston	W. W. Webster
E. R. Hilton	L. W. Preston	Rodney Whitlow
Clyde S. Howard	E. F. Prichard	John Wilborn
Maurice Howard		—58

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 210. An Act enabling the Kentucky Unemployment Compensation Commission to acquire a site, erect a building, etc.

Said bill is as follows, viz.:

(1) *Be it enacted by the General Assembly of the Commonwealth of Kentucky* that the Kentucky Unemployment Compensation Commission be and is hereby authorized and

empowered to acquire, by purchase or otherwise, a site, and to erect an office building thereon.

(2) The Commission is authorized and empowered to apply all of the funds accumulated under the provisions of KRS 341.290 as of June 30, 1946, to the purchase price of such site and the construction of such office building.

(3) For the purpose of defraying the balance of the cost of constructing the office building the commission may borrow money and issue negotiable bonds. Such bonds shall be authorized by resolution of the commission.

All bonds under the provision of this section may be issued bearing interest at a rate not exceeding 6 per cent per annum, payable semiannually, and shall be executed in such manner and be payable at such times not exceeding 40 years from the date thereof, and at such place or places as the commission shall determine.

All such bonds shall be negotiable instruments and shall not be subject to taxation. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds shall be sold at public sale to the highest and best bidder after such sale has been advertised by publication in a newspaper of general circulation in the state of Kentucky not less than ten days prior to the date of such sale. Such bonds when issued shall be payable from the revenue as provided hereinafter and shall not constitute an indebtedness of the commission nor the Commonwealth of Kentucky within the meaning of any constitutional provisions or limitations. It shall be plainly stated on the face of such bonds that same have been issued under the provisions of this section and that it does not constitute an indebtedness of the commission or the Commonwealth of Kentucky within the meaning of any constitutional provisions or limitations.

All money received from any bonds issued pursuant hereto shall be applied solely to the erection of the building and necessary appurtenances thereto, provided that such money may also be used to advance the payment of interest on bonds during the first year following the date of such

bonds. There shall be and there is hereby created a statutory mortgage lien upon the building and appurtenances to and in favor of the holders of said bonds and each of them and to and in favor of the holders of the coupons attached to said bonds. The building so acquired and the appurtenances thereto, shall remain subject to such statutory lien until the payment in full of the principal and interest of the bonds. Any holder of said bonds or of any of the coupons may, either at law or in equity, protect and enforce the statutory mortgage lien hereby conferred and may by suit, action, mandamus or other proceedings, enforce and compel performance of all duties required by this section, including the making and collecting of sufficient rents, the segregation of the income and revenue, and the application thereof. If there be any default in the payment of the principal or interest of any of said bonds, any court having jurisdiction of the action may appoint a receiver to administer said building on behalf of the commission, with power to charge and collect rentals sufficient to provide for the payment of any bonds or obligations outstanding against said building and for the payment of the operating expenses and apply the income and revenues in conformity with this section, and the resolutions referred to herein.

All funds which accumulate under KRS 341.290 from and after July 1, 1946, are hereby set aside and pledged as a separate and special fund to be used and appllied in the payment of the interest on the principal of the bonds provided for hereinabove. In addition thereto, at or before the issuance of such bonds, the commission shall by resolution set aside and pledge in the separate and special fund referred to hereinabove all monies received from any agencies of the Federal Government which are specified by such agency to be used as rent by the commission. Said resolution shall also pledge that the commission will properly maintain and operate said building and carry sufficient insurance thereon to secure the payment of said bonds in the event said building should be damaged or destroyed.

In the event any surplus shall be accumulated in said special fund in excess of the amount of interest and principal

payments coming due in the next calendar year, any such surplus shall be used to pay off and retire outstanding bonds.

The commission may issue refunding bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the procedure described by this section. Such new bonds shall be secured to the same extent and shall have the same source of payment as the bonds which shall have been thereby refunded.

Should the commission find that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the procedure as herein prescribed and required.

The commission may provide by resolution any such provisions and stipulations for the administration of the building and the income, and for the security of the bond holders as the commission may deem necessary.

The commission may employ architects and engineers to prepare plans and specifications for and supervise the construction of said building.

Any such resolution or resolutions shall constitute a contract between the commission and the holder of any bond or bonds, coupon or coupons, and shall be binding in all respects upon the commission or its successors.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	B. J. Bonn	Alex. H. Calvert
Roy W. Arnold	J. C. Bradley	L. A. Demumbrun
Henry Arrowood	B. K. Brantley	E. R. Denny
Harold L. Barnes	John Y. Brown	Bernie S. Edlin
F. H. Bassett, Jr.	Mrs. Mary Burnett	R. R. Ernst
W. G. Biggers	Chas. W. Burnley	Henry J. Giles

Tom Gilliam	J. L. Moore	W. R. Smith
M. B. Gilligan	J. Lee Moore	E. A. Spencer
Harold G. Helm	Fred Morgan	L. S. Stephens
E. R. Hilton	E. C. Mullins	Ralph G. Stone
Maurice Howard	Thos. A. Noe	C. W. Taylor
Jerry F. Howell	Joe E. Nunn	E. L. Thompson
Ira W. Hulette	Louis T. Peniston	Ray G. Tipton
G. O. Kirkpatrick	L. W. Preston	E. N. Todd
Edgar Kitchen	E. F. Prichard	Walter L. Trivette
Homer E. Losey	Hobart Rayburn	S. J. Wagner
A. L. Love	Wade H. Riley	Harry F. Walters
Ed Marcum	Kelse H. Risner	W. W. Webster
F. G. Marquette	Amos Runyan	Geo. J. Weining
E. H. Martin	J. W. Simmons	Rodney Whitlow
W. E. McClure	Luther Slusher	John Wilborn
Jack McPherron	Forrest Smith	—65

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 112. An Act relating to the fees of the county court clerk in certain counties, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 28.310 and 64.035 of the Kentucky Revised Statutes of 1944 are repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	M. B. Gilligan	Louis T. Peniston
Roy W. Arnold	R. M. Hall	L. W. Preston
Henry Arrowood	Harold G. Helm	Hobart Rayburn
F. O. Baker	E. R. Hilton	Kelse H. Risner
F. H. Bassett, Jr.	Clyde S. Howard	Amos Runyan
W. G. Biggers	Maurice Howard	J. W. Simmons
B. J. Bonn	Jerry F. Howell	Luther Slusher
B. K. Brantley	Paul Jonas	Forrest Smith
John Y. Brown	G. O. Kirkpatrick	W. R. Smith
Mrs. Mary Burnett	Edgar Kitchen	Paul J. Stapleton
Chas. W. Burnley	Homer E. Losey	Ralph G. Stone
Alex. H. Calvert	F. G. Marquette	E. L. Thompson
L. A. Demumbrun	E. H. Martin	Ray G. Tipton
E. R. Denny	W. E. McClure	E. N. Todd
Adron Doran	J. Lee Moore	Walter L. Trivette
G. I. Drury	Fred Morgan	S. J. Wagoner
Bernie S. Edlin	E. C. Mullins	W. W. Webster
R. R. Ernst	Rodes K. Myers	Geo. J. Weining
Henry J. Giles	J. C. Newcomb	John Wilborn
Tom Gilliam	Joe E. Nunn	—59

There voted in the negative—

A. L. Love —1

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate, announcing that they had passed a resolution which originated in this House entitled:

H. B. 73. Resolution authorizing Harry Savage to sue the Commonwealth.

Ordered that said resolution be delivered to the Enrolling Clerk of this House.

And that they had passed bills and resolutions which originated in that body, entitled:

S. Res. 67. Resolution authorizing S. E. Whitton to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That S. E. Whitton be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either in the Circuit Court of the County of his residence for such damages as he may have suffered, if any, by reason of any damage received by him through the carelessness and negligence of the State Highway Commission, its agents or employes. Said suit shall be for any amount, not exceeding the sum of $1,800.00, and in the event any judgment is recovered by said Whitton in said suit for damage to his property, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer, and paid out of the general fund.

2. Either party to said suit may appeal from any judgment which may be entered as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil suit.

3. Nothing contained in this Resolution shall be considered by either the court or the jury as substantive evidence on the merits of the alleged claim and the court shall instruct the jury that the Resolution authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies of any liability on the part of the Commonwealth of Kentucky or any of its agencies, nor an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

S. Res. 68. Resolution authorizing heirs of Angelina Mason to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the heirs at law of Angelina Mason, deceased, be, and they are hereby authorized and permitted to sue the Commonwealth of Kentucky and to prosecute an action against the Commonwealth of Kentucky in the Bell Circuit Court to determine the right of title in and to the tract of land, containing 200 acres, situated in Bell County, Kentucky, embraced in the Patent issued to Angeline Mason by the Commonwealth of Kentucky in 1890.

Section 2. Either party to said action may appeal from any judgment which may be entered in such action as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil suit.

Section 3. Nothing contained in this Resolution shall be considered by either the court or the jury as substantive evidence on the merits of the alleged cause of action, and the court shall instruct the jury that the Resolution authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies of any liability on the part of the Commonwealth of Kentucky or any of its agencies, nor an admission that any verdict of any kind shall be rendered for the persons herein authorized to sue.

S. Res. 69. Resolution authorizing Fred Sloan to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That said Fred Sloan is authorized to sue the Commonwealth of Kentucky in Lee or Owsley Circuit Court for damages resulting from injuries caused by the loss of services permanently and the damage to the estate of his said son's estate, by reason of his said son's death, the said injuries

which caused immediate death having been caused by the wrongful act and the negligence on the part of the employees, agents, officers of the Commonwealth of Kentucky while the said Clayton Sloan was in custody of said officers and agents of the Commonwealth, and that the said Clayton Sloan was a young boy about 20 or 21 years of age and was placed at Eddyville, Kentucky, and while there the agents, servants and officers of the Commonwealth permitted said young son to be housed with and associated with and even allowed to use the same bedroom with dangerous and habitual criminals, and that while said son was in a sleeping room with one Charles Smith, a habitual and confirmed criminal who had killed several men and was about or above middle age, the said habitual criminal, Charles Smith, attacked and killed the said son at night by cutting his head off and inflicting other injuries from which he then and there died.

Said suit shall be for a sum not in excess of Ten Thousand Dollars ($10,000.00). The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court either party may appeal to the Court of Appeals of Kentucky. No statement in this resolution shall be considered by either the Court or jury as admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 70. Resolution authorizing payment of claim to Lizzie Jenkins.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT Lizzie Jenkins, a pauper idiot, and Arminta Jenkins, as committee for said Lizzie Jenkins, be paid the sum of $75.00, as the state's portion for the care of said pauper idiot for the years 1944 and 1945 under KRS 203.250 to 203.280, the provisions of KRS 203.260 notwithstanding.

S. Res. 72. Concurrent resolution urging Congress to pass appropriate legislation to provide housing for veterans.

Said resolution is as follows, viz.:

Be It Resolved by the Senate of the General Assembly of Kentucky, the House of Representatives concurring therein:

1. That the Congress of the United States is urged to pass, as soon as possible, appropriate legislation to adequately provide reasonable housing for the citizens of our Nation, with particular attention to adequate housing for returned veterans of World War II.

2. The Clerk of the Senate is hereby directed to send copies of this resolution to the Houses of the Congress, and to the Kentucky delegations in the United States Senate and House of Representatives.

S. B. 261. An Act relating to revenue and taxation, defining term "business situs"

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 132.190 Kentucky Revised Statutes is hereby repealed, amended and reenacted so that as amended and reenacted it shall read as follows:

(1) The property subject to taxation, unless exempted by the Constitution, shall be as follows:

(a) All real and personal property within the State, including intangible personal property of nonresidents and corporations not organized under the laws of this state that has acquired a business situs within this state, except that twenty-five domestic fowls to each family shall be exempt from taxation for any purpose.

The term business situs when appllied to intangible personal property shall mean property used in this state in some trade or business in substantially a continuous operation and not property merely held or invested and reinvested for non-resident beneficial owners by a resident fiduciary or agent.

(b) All intangible personal property of individuals residing in this state and of corporations organized under the laws of this state, wherever located.

(2) The property enumerated in paragraph (b) of subsection (1) of this section shall be considered and estimated in fixing the valuation of corporate franchises.

(3) Property shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale.

(4) The situs of intangible personal property for purposes of taxation shall be at the residence of the real or beneficial owner, and not at the residence of the fiduciary or agent having custody or possession. All intangible personal property shall have a situs and shall be subject to taxation in this state in so far as the General Assembly can subject it to taxation under the Constitution of the United States and of Kentucky. Any intangible property owned by a resident shall be taxable in this state, unless by the date of assessment he has changed his place of abode to a place without this state with the bona fide intention of continuing actually to abide permanently without this state. The fact that a person again abides within this state within six months from so changing his actual place of abode shall be prima facie evidence that he did not intend permanently to have his actual place of abode without this state. A person so changing his actual place of abode and not intending permanently to continue it without this state and no having listed his property for taxation as a resident of this state shall, for the purpose of having his property assessed for taxation within this state, be deemed to have resided, on the day when his property should have been so assessed, at his last actual or habitual place of abode within this state. The fact that a person does not claim or exercise the right to vote at a public election within this state shall not of itself constitute him a nonresident of this state.

(5) An administrator, executor, trustee, committee, curator or agent residing in this state shall not be liable for taxes on intangible personal property held by him if the real or beneficial owner of the property resides outside of this state. This exemption shall not apply in the case of an executor or administrator in the exercise of his office as personal representative while the estate of a deceased person is in the process of settlement and before the share of the nonresident legatee or beneficiary is set apart to him, or before the legatee or beneficiary is entitled to be paid his share.

(6) Nothing contained in this section shall affect the liability for franchise taxes payable by corporations organized under the laws of this state; nor the method of taxation of banks and trust companies provided in KRS 136.270; nor the method of taxation of building and loan companies provided in KRS 136.300; and nothing contained in this section shall alter or repeal KRS 136.030.

S. B. 237. An Act relating to State Educational Agency for surplus property.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated to the State Educational Agency for Surplus Property from the General Expenditure Fund for the purpose of employing personnel, purchasing equipment and supplies, and for other regular recurring expenses of operation for the years 1946-47 and 1947-48 the amounts indicated below:

1946-47	$20,000
1947-48	$20,000

S. B. 180. An Act pertaining to building and loan associations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsections (1) and (2) of section 289.200 of the Kentucky Revised Statutes are amended to read as follows:

(1) Associations may make loans on the direct reduction plan. The board of directors may or the bylaws of the association shall prescribe interest rates which may be variable and may prescribe the duration of the loan, and the loan shall be payable in equal weekly or monthly installments.

(2) The applicant for such loan shall subscribe for and shall pledge one or more shares of stock of the association or the association may require the applicant for such loan to subscribe for and pledge shares or fractional shares of stock, equal, when paid up, to the amount of the loan. Payment of dues and interest shall be credited upon the loan and shares in accordance with the direct reduction plan adopted. In consideration of making loans upon such plan no dividend shall be declared or paid or credited upon amounts credited as dues or principal upon such loans, but all payments, made on the loans shall be first applied to interest due to the date of respective payments and the balance applied as dues on principal, and interest shall be collected only on the balance. When the amount paid in as dues and credited as payment on the shares as calculated equals the value of a share or shares, such shares shall be considered paid in full and automatically canceled, but such cancellation shall in no manner effect or reduce the stipulated weekly or monthly installment payments provided to be paid in the note or mortgage given to evidence and secure the payment of the loan. No borrower shall be permitted more than one vote for any and all shares owned by him, which are pledged as security for a loan.

S. B. 183. An Act requiring building and loan associations to set aside gross profits each year against contingent losses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 289.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every domestic association shall set aside at least one per cent of the gross profits each year as a reserve fund

to provide against contingent losses, until the total amount of the fund so set aside equals twenty per cent of the assets of the associations. The Director of Banking may require other specific reserves in his discretion.

(2) Any losses from sale of real estate may be charged against this fund and in the event of any such charges, then any profits from the sale of real estate shall, to the extent of losses charged, be credited to the said fund.

(3) All laws or statutes inconsistent herewith are hereby repealed.

Ordered that said bills and resolutions be printed and referred, to the Committee on Rules.

The Committee on Rules to which the same had been referred, reported bills and resolution entiltled:

S. Res. 67. Resolution authorizing S. E. Whitton to sue the Commonwealth.

S. Res. 68. Resolution authorizing heirs of Angeline Mason to sue the Commonwealth.

S. Res. 69. Resolution authorizing Fred Sloan to sue the Commonwealth.

S. Res. 70. Resolution authorizing payment of claim to Lizzie Jackson.

S. Res. 72. Concurrent resolution urging Congress to pass appropriate legislation to provide for housing for veterans.

S. B. 261. An Act relating to revenue and taxation, defining term "business situs"

S. B. 237. An Act relating to State Educational Agency for surplus property.

S. B. 180. An Act pertaining to building and loan associations.

S. B. 183. An Act requiring building and loan associations to set aside gross profits each year against contingent losses.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolution were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Howell moved that the House do now adjourn to meet again on tomorrow at eleven o'clock a. m.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MARCH 20, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Fred T. Moffatt of the First Baptist Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson	John Y. Brown	G. I. Drury
Roy W. Arnold	Mrs. Mary Burnett	Forest C. Easley
F. O. Baker	Chas. W. Burnley	Bernie S. Edlin
Harold L. Barnes	Alex. H. Calvert	Eck Embry
F. H. Bassett, Jr.	W. K. Coleman	R. R. Ernst
W. G. Biggers	Fred Creasey	A. H. Eversole
Jack Bingham	S. J. Daugherty	Henry J. Giles
B. J. Bonn	L. A. Demumbrun	Tom Gilliam
J. C. Bradley	E. R. Denny	M. B. Gilligan
B. K. Brantley	Adron Doran	Otto W. Goff

R. M. Hall
C. L. Hammonds
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Maurice Howard
Jerry F. Howell
J. J. Huff
Ira W. Hulette
W. H. Hunt
Kerby Jennings
Paul Jonas
L. H. Jones
B. F. Kincaid
G. O. Kirkpatrick
Edgar Kitchen
Homer E. Losey
A. L. Love
H. K. Lowman
E. J. Lucas
Ed Marcum
F. G. Marquette
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. L. Moore
J. Lee Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
Thos. A. Noe
Joe E. Nunn
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
L. S. Stephens
C. W. Taylor
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
S. J. Wagner
Lyle H. Webb
W. W. Webster
Geo. J. Weining
Morris Weintraub
Lawrence Wells
Rodney Whitlow
John Wilborn
Mr. Speaker

Mr. Doran moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Kitchen moved that the privilege of the floor be extended to Mr. William Crain.

Said motion was agreed to.

Mr. Tipton moved that the privilege of the floor be extended to Mr. R. E. West.

Said motion was agreed to.

Mr. Preston moved that the privilege of the floor be extended to Mr. and Mrs. Robert Smith.

Said motion was agreed to.

Mr. J. Lee Moore moved that the privilege of the floor be extended to Miss Emma Weisiger, Mrs. Burdette and Mr. Dunn of Danville, Kentucky.

Said motion was agreed to.

Mr. Weintraub offered the following resolution, viz.:

H. Res. 117. Resolution relating to the City of Covington.

Said resolution is as follows, viz.:

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

THAT an invitation be, and the same is hereby extended to the citizens of the City of Covington to annex and join itself to the City of Newport where government is serene; where stakes are high, and confusion and disorder are unknown; and where peace and tranquility reign.

Mr. Martin offered the following resolution, viz.:

H. Res. 118. Resolution urging Congress to raise pay of postal clerks.

Said resolution is as follows, viz.:

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

1. That the Congress of the United States is urged to pass, as soon as possible, H. R. 5059, which would provide increased compensation for postal clerks.

2. The Clerk of the Senate is hereby directed to send copies of this resolution to the House of Congress, and to the Kentucky delegations in the United States Senate and House of Representatives.

Said resolution was rejected.

A message was received from the Senate announcing that they had passed a bill which originated in this House entitled:

H. B. 405. An Act relating to teachers' retirement.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of March 14)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

1. Amend Sec. 4, subsec. (3) of H. B. 405 by striking lines 24 and 25 on page 4 and substituting therefore the following:

"less than $100.00 per year and not less than $10.00 per credit year at the time of retirement, but such"

Said amendments were then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Alex. H. Calvert	Tom Gilliam
Roy W. Arnold	W. K. Coleman	M. B. Gilligan
Walter J. Bailey	Fred Creasey	Otto W. Goff
F. O. Baker	S. J. Daugherty	R. M. Hall
Harold L. Barnes	L. A. Demumbrun	Harold G. Helm
F. H. Bassett, Jr.	E. R. Denny	E. R. Hilton
W. G. Biggers	Adron Doran	Clyde S. Howard
B. J. Bonn	G. I. Drury	Jerry F. Howell
J. C. Bradley	Forest C. Easley	J. J. Huff
B. K. Brantley	Bernie S. Edlin	Ira W. Hulette
John Y. Brown	Eck Embry	W. H. Hunt
Mrs. Mary Burnett	R. R. Ernst	Paul Jonas
Chas. W. Burnley	Henry J. Giles	L. H. Jones

B. F. Kincaid	Rodes K. Myers	L. S. Stephens
G. O. Kirkpatrick	Joe E. Nunn	C. W. Taylor
Edgar Kitchen	Louis T. Peniston	E. L. Thompson
Homer E. Losey	Sylvester Phillips	Ray G. Tipton
H. K. Lowman	L. W. Preston	E. N. Todd
E. J. Lucas	E. F. Prichard	Walter L. Trivette
Ed Marcum	Hobart Rayburn	S. J. Wagner
F. G. Marquette	Wade H. Riley	Harry F. Walters
E. H. Martin	Amos Runyan	Lyle H. Webb
W. E. McClure	Luther Slusher	W. W. Webster
Jack McPherron	Forrest Smith	Geo. J. Weining
Harry L. Moore	W. R. Smith	Morris Weintraub
J. L. Moore	E. A. Spencer	Lawrence Wells
Fred Morgan	Paul J. Stapleton	Rodney Whitlow
E. C. Mullins	Geo. W. Steinford	John Wilborn

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Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this House entitled:

H. B. 336. An Act relating to sheriffs.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of March 8)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

Amend H. B. 336 in Senate by striking out subsec. (1) of Sec. 1 and substituting in lieu thereof the following:

Section 1. (1) The sheriff of each county having an assessed value of less than $100,000,000, containing a popula-

tion of more than 70,000 but less than 75,000 comprising a separate judicial district, and containing a second class city, shall, at the end of each month, furnish the fiscal court a sworn statement of all receipts and disbursements and a sworn statement of the necessary expenses of the office during the preceding month, which shall include the premium of his revenue and personal bonds and his statutory compensation.

2. Amend H. B. 336 in Senate, by striking out subsec. (c) of Sec. 1 and substituting in lieu thereof the following:

(2) The sheriff shall, at the end of each month, pay to the county treasurer the total amount collected by him, less his statutory compensation. The fiscal court shall pay the sheriff the expenses incurred by him during the preceding month.

3. Amend H. B. 336 in Senate by striking the figure "$30,000" in line 7, Sec. 2 on page 2 of the printed bill and inserting in lieu thereof the figure "$25,000."

Said amendments were then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Alex. H. Calvert	Tom Gilliam
Roy W. Arnold	W. K. Coleman	M. B. Gilligan
Walter J. Bailey	Fred Creasey	Otto W. Goff
F. O. Baker	S. J. Daugherty	R. M. Hall
Harold L. Barnes	L. A. Demumbrun	Harold G. Helm
F. H. Bassett, Jr.	E. R. Denny	E. R. Hilton
W. G. Biggers	Adron Doran	Clyde S. Howard
B. J. Bonn	G. I. Drury	Maurice Howard
J. C. Bradley	Forest C. Easley	Jerry F. Howell
B. K. Brantley	Bernie S. Edlin	J. J. Huff
John Y. Brown	Eck Embry	Ira W. Hulette
Mrs. Mary Burnett	R. R. Ernst	W. H. Hunt
Chas. W. Burnley	Henry J. Giles	Paul Jonas

L. H. Jones	Rodes K. Myers	L. S. Stephens
B. F. Kincaid	Louis T. Peniston	C. W. Taylor
G. O. Kirkpatrick	E. F. Prichard	E. L. Thompson
Edgar Kitchen	Joe E. Nunn	Ray G. Tipton
Homer E. Losey	Sylvester Phillips	E. N. Todd
H. K. Lowman	L. W. Preston	Walter L. Trivette
E. J. Lucas	Hobart Rayburn	S. J. Wagner
Ed Marcum	Wade H. Riley	Harry F. Walters
F. G. Marquette	Amos Runyan	Lyle H. Webb
E. H. Martin	Luther Slusher	W. W. Webster
W. E. McClure	Forrest Smith	Geo. J. Weining
Jack McPherron	W. R. Smith	Morris Weintraub
Harry L. Moore	E. A. Spencer	Lawrence Wells
J. L. Moore	Paul J. Stapleton	Rodney Whitlow
Fred Morgan	Geo. W. Steinford	John Wilborn
E. C. Mullins		

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Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this House, entitled:

H. B. 168. An Act relating to Civil Service employes in cities of the second and third classes.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 7)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

1. Amend H. B. 168 in the Senate, on page 1, sec. 1, line 6, by inserting between the figures "90.410" and the quotation marks which immediately follows said figures the following words:

"or by ordinance of the city as provided in KRS 90.310"

2. Amend H. B. 168 in Senate by striking line 10 of Sec. 1 on page 1 and inserting in lieu thereof the following:

"mayor or city manager, and in cities of the second class it shall not include the officers"

3. Amend H. B. 168 in Senate by striking the words "or third" from line 15 of sec. 1 on page 2.

4. Amend H. B. 168 in Senate by inserting the words "of the second class" after the word "city" in line 18 of Sec. 1 on page 2.

5. Amend H. B. 168 in Senate by striking that part of lines 8 to 10 of Sec. 2 on page 2 beginning with the words "The city" in line 8 and ending with the words "such employes" in line 10, and inserting in lieu thereof the following:

"In cities of the second class in which a civil service ordinance has heretofore been adopted, the city shall, by ordinance, create a civil service classifications for all employes consistent with the actual work to be performed by such employes; in other cities of the second class, and in cities of the third class, the city, may, by ordinance, classify employes and designate the class of employes it desires to include."

6. Amend H. B. 168 in Senate by substituting a comma for the period following the word "turpitude" in line 7 of Sec. 6, on page 4 and adding thereafter the following:

"or, in a city of the third class, violation of any rule adopted by the city legislative body or the civil service commission"

7. Amend H. B. 168 in Senate by striking all of lines 4 to 7 inclusive, of Sec. 7 on page 4, and inserting in lieu thereof the following:

"An appeal will lie from the judgment of the circuit court of the Court of Appeals as in other cases, if the punishment fixed by the civil service commission was dismissal of the accused. In cities of the second class, an appeal will also lie

from the judgment of a circuit court in any controversy arising under this section or any other section of the statutes relating to civil service for cities of the second class."

Said amendments were then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Otto W. Goff	Louis T. Peniston
Roy W. Arnold	R. M. Hall	Sylvester Phillips
Walter J. Bailey	Harold G. Helm	L. W. Preston
F. O. Baker	E. R. Hilton	E. F. Prichard
Harold L. Barnes	Clyde S. Howard	Hobart Rayburn
F. H. Bassett, Jr.	Jerry F. Howell	Wade H. Riley
W. G. Biggers	J. J. Huff	Amos Runyan,
B. J. Bonn	Ira W. Hulette	Luther Slusher
J. C. Bradley	W. H. Hunt	Forrest Smith
B. K. Brantley	Paul Jonas	W. R. Smith
John Y. Brown	L. H. Jones	E. A. Spencer
Mrs. Mary Burnett	B. F. Kincaid	Paul J. Stapleton
Chas. W. Burnley	G. O. Kirkpatrick	Geo. W. Steinford
Alex. H. Calvert	Edgar Kitchen	L. S. Stephens
W. K. Coleman	Homer E. Losey	C. W. Taylor
Fred Creasey	H. K. Lowman	E. L. Thompson
S. J. Daugherty	E. J. Lucas	Ray G. Tipton
L. A. Demumbrun	Ed Marcum	E. N. Todd
E. R. Denny	F. G. Marquette	Walter L. Trivette
Adron Doran	E. H. Martin	S. J. Wagner
G. I. Drury	W. E. McClure	Harry F. Walters
Forest C. Easley	Jack McPherron	Lyle H. Webb
Bernie S. Edlin	Harry L. Moore	W. W. Webster
Eck Embry	J. L. Moore	Geo. J. Weining
R. R. Ernst	Fred Morgan	Morris Weintraub
Henry J. Giles	E. C. Mullins	Lawrence Wells
Tom Gilliam	Rodes K. Myers	Rodney Whitlow
M. B. Gilligan	Joe E. Nunn	John Wilborn

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Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

A message was received from the Senate announcing that they had passed a bill which originated in the House entitled:

H. B. 230. An Act relating to the establishment by cities of artificial gas system.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of March 5)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

1. Amend H. B. 230 by striking out the word "artificial" in the following places:

Page 1, sec. 2, lines 1 and 4
Page 2, sec. 3, lines 2 and 15
Page 3, sec. 4, lines 9 and 16
Page 3, sec. 5, line 1
Page 4, sec. 5, lines 5 and 6
Page 5, sec. 5, line 1
Page 5, sec. 6, line 2

2. Amend H. B. 230 on page 2, line 11, by adding thereto the following:

"If no petition is filed, the city may proceed immediately with the acquisition of an artic6iial gas system"

3. Amend H. B. 230 on page 3, sec. 5, lines 1 and 2 of subsec. (1) by striking out all the words in those lines and inserting in lieu therefor the following:

"Section 5. (1) Any city acquiring any such artificial gas system under the provisions of this Act may by ordinance provide for the operation of the system under the direction of an official of the city as designated by the legislative body, or may delegate the authority to operate the system to a commission created for the operation of some other public works in the city, including a water works or electric plant, or may provide for the appointment of"

4. Amend the title to H. B. 230 in Senate by striking out the word "artificial."

Amendments Nos. 2 and 3 were then concurred in.

Mr. Howell moved that the House refuse to concur in Amendment No. 1 as proposed to said bill by the Senate.

Said motion was agreed to.

Thereupon the House refused to concur in Senate Amendment No. 1.

Ordered that the Chief Clerk of this House report the action of the House to the Senate.

A message was received from the Senate announcing that they had passed a bill which originated in this House entitled:

H. B. 263. An Act authorizing circuit judges in counties containing cities of second class to appoint a secretary to the master commissioner, etc.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of March 6)

Said amendments as proposed and adopted by the Senate are as follows, viz.:

1. Amend H. B. 263 by inserting the following language between the words "class" and "may" in line 1 (1) in subsec. (1) on page 1 of the printed bill:

"having an assessed valuation of less than $100,000,000 and comprising a separate judicial district.

2. Amend H. B. 263 by inserting the word "such" in between the words "in" and "counties" on line 1 of subsec. (5) on page 2 of the printed bill.

3. Amend the title to H. B. 263 by inserting the following language after the word "class" in line 1 of the title of the printed bill: "having an assessed valuation of less than $100,000,000 and comprising a separate district"

Said amendments were then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	C. L. Hammonds	Louis T. Peniston
Walter J. Bailey	Harold G. Helm	L. W. Preston
F. H. Bassett, Jr.	Clyde S. Howard	E. F. Prichard
W. G. Biggers	Jerry F. Howell	Hobart Rayburn
B. J. Bonn	J. J. Huff	Kelse H. Risner
J. C. Bradley	Ira W. Hulette	Luther Slusher
B. K. Brantley	W. H. Hunt	Forrest Smith
John Y. Brown	Paul Jonas	E. A. Spencer
Mrs. Mary Burnett	Edgar Kitchen	Paul J. Stapleton
Chas. W. Burnley	Homer E. Losey	Geo. W. Steinford
Alex. H. Calvert	H. K. Lowman	L. S. Stephens
Fred Creasey	E. J. Lucas	C. W. Taylor
E. R. Denny	F. G. Marquette	E. L. Thompson
Adron Doran	E. H. Martin	Ray G. Tipton
Forest C. Easley	W. E. McClure	E. N. Todd
Bernie S. Edlin	Harry L. Moore	S. J. Wagner
Eck Embry	J. L. Moore	W. W. Webster
R. R. Ernst	Fred Morgan	Morris Weintraub
M. B. Gilligan	E. C. Mullins	Lawrence Wells
Otto W. Goff	Rodes K. Myers	Rodney Whitlow
R. M. Hall	Joe E. Nunn	John Wilborn

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Resolved that the title thereof be as amended.

Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this House entitled:

H. B. 325. An Act relating to stenographers to Commonwealth's Attorneys.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal of March 7)

Said amendment as proposed and adopted by the Senate is as follows, viz.:

Amend H. B. 325 by striking out the figures "$1800.00" from line 13 on page 1 of the printed bill and substituting in lieu thereof the figures "$1200.00"

Said amendment was concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	John Y. Brown	Forest C. Easley
Walter J. Bailey	Mrs. Mary Burnett	Bernie S. Edlin
F. H. Bassett, Jr.	Chas. W. Burnley	Eck Embry
W. G. Biggers	Alex. H. Calvert	R. R. Ernst
B. J. Bonn	Fred Creasey	M. B. Gilligan
J. C. Bradley	E. R. Denny	Otto W. Goff
B. K. Brantley	Adron Doran	R. M. Hall

C. L. Hammonds	W. E. McClure	E. A. Spencer
Harold G. Helm	Harry L. Moore	Paul J. Stapleton
Clyde S. Howard	J. L. Moore	Geo. W. Steinford
Jerry F. Howell	Fred Morgan	L. S. Stephens
J. J. Huff	E. C. Mullins	C. W. Taylor
Ira W. Hulette	Rodes K. Myers	E. L. Thompson
W. H. Hunt	Joe E. Nunn	Ray G. Tipton
Paul Jonas	Louis T. Peniston	E. N. Todd
Edgar Kitchen	L. W. Preston	S. J. Wagner
Homer E. Losey	E. F. Prichard	W. W. Webster
H. K. Lowman	Hobart Rayburn	Morris Weintraub
E. J. Lucas	Kelse H. Risner	Lawrence Wells
F. G. Marquette	Luther Slusher	Rodney Whitlow
E. H. Martin	Forrest Smith	John Wilborn

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Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 6. An Act to revise the law relating to private corporations.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 271.010 to 271.410, inclusive, of the 1944 edition of the Kentucky Revised Statutes are repealed, and in lieu thereof there are enacted the following sections, to read and be numbered as follows:

271.005 *Definitions.* As used in this chapter:

(1) "Articles of incorporation" includes both the original articles of incorporation and amendments thereto, except

in those instances where the context expressly refers to the original articles only.

(2) An "incorporator" is a signer of the original articles of incorporation.

(3) A "subscriber" is one who subscribes for shares in a corporation, whether before or after incorporation.

(4) "Shares" are the units into which the shareholders' rights to participate in the control of the corporation, in its surplus or profits or in the distribution of corporate assets, are divided.

(5) A "shareholder" is one who owns one or more shares. A subscriber becomes a shareholder upon the allotment of shares to him. Nothing in this section shall forbid a corporation to recognize a person registered on its books as the owner of shares as the person exclusively entitled to have and to exercise the rights and privileges incident to the ownership of such shares, or to hold liable for calls and assessments a person registered as the owner of shares.

(6) A "certificate of stock" is a written instrument signed as required by KRS 271.165, and evidencing the fact that the person therein named is the registered owner of the share or shares thereby represented.

(7) "Allotment" means the apportioning of a certain number of shares to a subscriber in response to the application contained in his subscription, or to a shareholder pursuant to the declaration of a stock dividend. The allotment of shares to the incorporators, or to persons whose subscriptions were approved by the incorporators before incorporation and were unrevoked at the time of incorporation, shall be considered automatically coincident with incorporation.

(8) The "assets" of a corporation include all its property and rights of every kind.

(9) "Registered office" means that office maintained by the corporation in this state:

(a) As the place where the corporation's share register or a duplicate is kept, and

(b) The address of which is kept on file in the office of the Secretary of State in the manner required by the provisions of KRS 271.385.

271.015. *Application of chapter.* This chapter shall apply to any corporation formed under the laws of this state unless either the statutes relating to a corporation of that kind are inconsistent with this chapter or state that the provisions of this chapter do not apply to it.

271.025 *Number and qualifications of incorporators; purpose of incorporation.* Except as otherwise provided by law, any three or more natural persons of the age of twenty-one years or more may form a corporation for any lawful business purpose.

271.035 *Articles of Incorporation.* (1) Articles of incorporation shall be signed in triplicate originals by each of the incorporators and shall state in the English language:

(a) The name of the corporation.

(b) Its purpose.

(c) Its duration, which may be perpetual.

(d) The address, including street and number, if any, of its registered office in this state, and the name and address, including street and number, if any, of its resident agent, which agent may be an individual or a corporation.

(e) The total authorized number of par value shares and the par value of each share, and, if any of its shares have no par value, the authorized number of such shares, and the voting power of all shares.

(f) A description of the classes of shares, if the shares are to be classified, and a statement of the number of shares in each class, and the designations, powers, preferences and rights and the qualifications, limitations or restrictions granted to or imposed upon the shares of each class which are permitted by the provisions of KRS 271.155, including any provision which the incorporators may desire to insert limiting or denying to shareholders the preemptive right to acquire additional shares of the corporation.

(g) The amount of capital with which the corporation will begin business.

(h) The name and address, including street and number, if any, of each incorporator, and a statement of the number of shares subscribed by each, which shall be not less than one, and the class of shares for which each subscribed.

(i) The number of directors to be elected at the first meeting of the shareholders.

(2) Articles of incorporation may contain any other provisions, consistent with the laws of this state, for regulating the corporation's business or the conduct of its affairs.

(3) It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this chapter.

271.045 *Corporate name.* (1) The corporate name must include the word "corporation" or "incorporated" or the abbreviation "Inc.", or the word "company" or the abbreviation "Co.", but if the word "company" or the abbreviation "Co.' is used it may not be immediately preceded by the word "and" or the abbreviation "&". The provisions of this subsection shall not affect the right of any corporation existing on June 30, 1946, to continue the use of its name,

(2) Except as provided in KRS 271.435, the corporate name shall not be the same as, nor deceptively similar to, the name of any other domestic corporation or of any foreign corporation authorized to do business in this state unless:

(a) Such other domestic or foreign corporation is about to change its name, or to cease to do business, or is being wound up, or such foreign corporation is about to withdraw from doing business in this state and

(b) The written consent of such other domestic or foreign corporation to the adoption of its name or a deceptively similar name has been given and filed in triplicate with the articles of incorporation.

(3) The corporate name shall not contain any word or phrase which indicates or implies that it is organized for any purpose not permitted under this chapter.

(4) The assumption of a name in violation of this section shall not affect or vitiate the corporate existence, but the courts of this state having equity jurisdiction may, upon the application of the state or of any person interested or affected, enjoin such corporation from doing business under a name assumed in violation of this section, although a certificate of incorporation may have been issued.

271.055 *Filing and recording articles of "incorporation"; issuing certificate of incorporation; articles and statement of existence of foreign corporations; copies of articles as evidence.* (1) The articles of incorporation in triplicate originals shall be acknowledged by at least three of the incorporators before an officer authorized by the laws of this state to take acknowledgements and the triplicate originals shall be delivered to the Secretary of State. If he finds that the articles of incorporation have been signed and acknowledged according to law, he shall, when all taxes, fees and charges have been paid as required by law, record one original in his office, and issue a certificate of incorporation. There shall be paid to the Secretary of State a fee of $3.00 for recording the articles, and a fee of $1.00 for issuing a certificate of incorporation.

(2) The certificate of incorporation together with the remaining original articles of incorporation, endorsed with the fact and time of recording in the office of the Secretary of State, shall be returned to the incorporators or their representative. One original shall then be filed with and recorded by the clerk of the county court of the county in which the registered office of the corporation is situated, and the other shall be retained by the corporation. The clerk of the county court shall be paid a fee of $3.00 for recording said articles.

(3) No foreign corporation, except a foreign insurance company, shall be authorized to do business in this state until it has filed a certified copy of its articles of incorporation and all existing amendments in the office of the Secretary of State. It shall thereafter file a certified copy of subsequent amendments to its articles in the office of the Secretary of State. Such corporations shall pay to the Secretary of State an original filing fee of $25.00 and a recording fee of $10.00 for recording the articles of incorporation and accompanying amendments, and shall pay the same recording fee for recording subsequent amendments. Such corporations shall, in June of each year, file a statement of existence with the Secretary of State in such form and containing such information as may be prescribed by him, and pay a fee of $1.00. If the statement is not filed in June of each year the Secretary of State shall mail notice to the corporation as a warning that its right to

do business in this state will automatically cease if the statement of existence is not filed within thirty days after mailing of the notice. If the statement is not then filed within thirty days, the Secretary of State shall record the fact of such cessation of right and mail notice thereof to the corporation at its last known place of business in Kentucky.

(4) A copy of any articles of incorporation and all amendments thereto of both domestic and foreign corporations as recorded in the office of the Secretary of State, under the certificate and seal of that office, shall be accepted as evidence in any court for any purpose in any action in which the original could be used. For furnishing a certified copy of the record to any party, the Secretary of State shall charge the same fee to be charged for the recordation of that instrument.

271.065 *When corporate existence begins; subscribers become shareholders.* Upon the issuance of the certificate of incorporation, the corporate existence shall begin and, subject to the provisions of KRS 271.075, those persons who have subscribed for shares prior to the issuance of the certificate of incorporation, or their assigns, shall be shareholders in the corporation.

271.075 *Subscriptions for shares before incorporation.* (1) Subscriptions for shares of a corporation to be formed shall be in writing. Unless otherwise provided in the writing, a subscription shall be:

(a) Irrevocable for a period of one year from the date of signing except as provided in subsection (2) of this section;

(b) Revocable after a period of one year from the date of signing, unless prior to such revocation a certificate of incorporation has been issued as provided in KRS 271.055.

(2) Subscription for shares may be revoked at any time by either party upon such grounds as exist at law or in equity for the rescission of any contract.

(3) Upon the issue of the certificate of incorporation, subscriptions for shares may be enforced by the corporation according to their terms unless revoked as provided in this section.

(4) When no provision as to the time of payment is made in the contract of subscription, shares shall be paid for on the call of the board of directors.

271.085 *Minimum amount of capital.* The minimum amount of capital with which a corporation may begin business shall not be less than one thousand dollars in cash or other property taken at a valuation as provided in KRS 271.175 to 271.195.

271.095. *Conditions precedent to beginning business; liability in case of violation of section.* (1) A corporation formed under this chapter shall not incur any debts or begin the transaction of any business, except such as is incidental to its organization or to the obtaining of subscriptions to or the payment for its shares, until:

(a) An original of the articles of incorporation has been filed for record in the office of the clerk of the county court as provided in KRS 271.055.

(b) The amount of capital with which it will begin business, as stated in the articles of incorporation, has been fully paid in;

(c) The first board of directors has been elected by the shareholders; and

(d) The corporation has complied with KRS 271.385.

(2) If a corporation has transacted any business in violation of this section, the officers who participated therein and the directors, except those who dissented therefrom and caused their dissent to be filed at the time in the registered office of the corporation, or who, being absent, so filed their dissent upon learning of the action, shall be severally liable for the debts or liabilities of the corporation arising therefrom.

271.105 *Validity and effect of certificate of incorporation.* The certificate of incorporation issued by the Secretary of State in accordance with the provisions of KRS 271.055 shall be conclusive evidence of the fact that the corporation has been incorporated. Proceedings may, however, be instituted by the state to dissolve, wind up and terminate a corporation which should not have been formed under this chapter, or which has been formed without a substantial com-

pliance with the conditions precedent to incorporation prescribed by this chapter.

271.115 *Effect of filing or recording papers required to be filed.* The purpose of the provisions of this chapter requiring the filing or recording of the articles of incorporation, amendments thereto, and other papers, is to afford all persons the opportunity of acquiring knowledge of the contents thereof, but no person dealing with the corporation shall be charged with constructive notice of the contents of any such articles or papers by reason of such filing or recording.

271.125 *Corporate powers.* Each corporation formed under the provisions of this chapter shall have power:

(1) To have a corporate seal and alter it at pleasure;

(2) To continue as a corporation for the time limited in its articles of incorporation, or, if no such time limit is specified then perpetually;

(3) To sue and be sued in its corporate name;

(4) To contract and be contracted with;

(5) To acquire, hold, sell, dispose of, pledge or mortgage any such property as its purposes may require, subject to any limitation prescribed by law or the articles of incorporation;

(6) To elect and appoint such officers and agents as the business of the corporation shall require, and to remove them, to define their duties and fix their compensation and to require a bond for the faithful discharge of their duties;

(7) To make bylaws not inconsistent with law;

(8) To conduct the business and promote the purposes for which it was formed in this state and elsewhere as may be permitted by law;

(9) To dissolve and wind up as provided in KRS 271.495 to 271.545;

(10) To acquire, hold, mortgage, pledge or dispose of the shares, bonds, securities and other evidences of indebtedness of any domestic or foreign corporation;

(11) To indemnify its directors and officers as set out in KRS 271.375;

(12) To accept gifts and to carry out any terms, requests or conditions prescribed or made by the donor thereof.

271.135 *Acquisition of own shares.* Every corporation organized under this chapter shall have the power to acquire, and to hold, own, pledge, transfer, or otherwise dispose of its own shares, except that no such corporation shall use its funds or property for the purchase of its own shares when such use would cause any impairment of the capital of the corporation. Shares of its own capital stock belonging to the corporation shall not be voted upon directly or indirectly. Notwithstanding the foregoing limitations, a corporation may acquire its own shares for the purpose of:

(1) Eliminating fractional shares;

(2) Collecting or compromising claims of the corporation, or securing any indebtedness to the corporation previously incurred;

(3) Paying dissenting shareholders entitled to payment for their shares in the event of a sale or exchange of assets or a merger or consolidation; or

(4) Effecting the retirement of its shares by redemption or purchase, if acquisition for this purpose would not render the corporation incapable of paying its debts in the ordinary course of business.

271.145 *Limitations on business and holding of real estate; escheat procedure.* (1) No corporation shall engage in business other than that expressly authorized by its articles of incorporation, or the law under which it was organized, nor shall it hold any real estate, except such as may be proper and necessary for carrying on its legitimate business, for a longer period than five years, under penalty of escheat.

(2) Any action to escheat real estate held contrary to this section shall be brought in the name of the state in the circuit court of the county in which any part of it is situated. Before any such action may be instituted, the Attorney-General or the Department of Revenue shall give written notice to the corporation that, unless the property is disposed of within two years after receipt of the notice, an action will be commenced to forfeit the real estate. No such action shall be brought before that time. The notice shall contain a brief

description of the real estate, and shall be served as provided by Section 628 of the Civil Code. The serving of the notice shall not invalidate or impair the corporation's title to the real estate, nor abridge its right to convey it before the action, nor affect the title of the person to whom conveyed.

271.155 *Shares, classes and series of; provisions for voting powers, special rights, restrictions, redemption, dividends, and priority on dissolution; conversion or exchange.* (1) The shares of a corporation may be divided into one or more classes or one or more series within any class. Any or all classes may be with par value or without par value, with such voting powers, full or limited, or without voting powers, and with such designations, preferences and relative, participating, optional or other special rights, and qualifications, limitations or restrictions thereof, as shall be stated in the articles of incorporation or any amendment thereto. The power to increase or decrease or otherwise adjust the capital as in this chapter elsewhere provided shall apply to all or any such classes of shares. Any preferred or special shares may be made subject to redemption at such time or times and at such price or prices as shall be stated in the articles of incorporation or any amendment thereto.

(2) The holders of preferred or special shares shall be entitled to receive dividends at such rates, on such conditions and at such times as shall be stated in the articles of incorporation or any amendment thereto, payable in preference to, or in such relation to, the dividends payable on any other class or classes, and cumulative or noncumulative, as shall be so stated. When the full dividends upon such shares, if any, for all past dividend periods, have been paid, or declared and a sum sufficient for the payment thereof set apart, a dividend on the remaining class or classes may then be paid out of the remaining assets of the corporation available for dividends.

(3) The holders of preferred or special shares shall be entitled to such rights upon the dissolution of, or upon any distribution of the assets of, the corporation as shall be stated in the articles of incorporation or any amendment thereto.

(4) Shares of any class or of any series thereof may be made convertible into or exchangeable for shares of any other

class or classes or of any other series of the same or any other class or classes at such price or prices or at such rates of exchange and with such adjustments as shall be stated in the articles of incorporation or any amendment thereto.

271.165 *Stock certificates; issuance, contents; share warrants.* (1) Each shareholder shall be entitled to a certificate of stock signed by the president or a vice president and the secretary or an assistant secretary, or by such officers as the articles of incorporation or bylaws may provide, but when any such certificate is signed by a transfer agent or registrar, the signature of any such corporate officers and the corporate seal, if any, upon such certificate may be facsimiles engraved or printed. In case any officer designated for the purpose who has signed or whose facsimile signature has been used on any such certificate shall, from any cause, cease to be such officer before the certificate has been delivered by the corporation, the certificate may nevertheless be adopted by the corporation and be issued and delivered as though the person had not ceased to be such officer.

(2) Every certificate of stock shall state:

(a) The state of incorporation;

(b) The name of the registered holder of the shares represented thereby;

(c) The number and class of shares which the certificate represents; and

(d) If the corporation is authorized to issue shares of more than one class, the voting power, designation, preference, and relative, participating, optional or other special rights, and qualifications, limitations or restrictions thereof, granted to or imposed upon the shares of each class, in full, or a summary thereof with a reference to the articles of incorporation.

(3) A certificate for shares having no par value shall not state any par value, nor any value thereof in money, nor any rate of dividend to which such shares shall be entitled in terms of a percentage of any par or other value.

(4) A corporation may issue to a shareholder full or fractional share warrants evidencing the number of shares or

the fraction of a share to which the shareholder is entitled to subscribe pursuant to resolutions of the board of directors, and evidencing the terms or conditions of such subscription rights.

271.175 *Consideration for shares; amount, payment.* (1) No shares shall be issued except for an equivalent in money paid or labor done, or property actually received and applied to the purposes for which the corporation was formed, and neither labor nor property shall be received in payment for shares at a greater value than the market price at the time such labor was done or property delivered, and all fictitious increase of shares shall be void.

(2) Subject to subsection (1) of this section, subscriptions for shares signed before incorporation shall be payable in cash or labor or property of a value determined by the incorporators, and subscriptions for shares signed after incorporation as determined by the shareholders at any annual meeting, or special meeting, duly called and held for that purpose, or determined by the board of directors acting under authority conferred by the shareholders or by the articles of incorporation.

271.185 *Payment for shares.* (1) A certificate of stock shall not be issued until the shares represented thereby have been fully paid for.

(2) Shares allotted as stock dividends, or issued in lieu of accrued dividends, and shares for which the agreed consideration has been paid, delivered or rendered to the corporation shall be fully paid shares and nonassessable.

(3) When a corporation has received a note or uncertified check as part or full consideration for shares, the shares shall not be considered as fully paid for until the note or check has been paid.

271.195 *Valuation of consideration for shares.* For the purpose of determining whether shares have been fully paid for in order to fix the extent of the outstanding obligation of a shareholder to the corporation with respect to such shares, the following valuation shall be prima facie correct unless the person questioning the same shall by the clear preponderance of the evidence prove to the contrary:

(1) The market price placed by the incorporators, the shareholders or the directors, as the case may be, upon the consideration other than cash with which the subscription for shares are made payable;

(2) The market price placed by the board of directors upon the corporate assets in estimating the surplus to be transferred to capital as payment for shares to be allotted as stock dividends.

271.205 *Validity of shares.* The fact that shares are allotted or issued without strict compliance with the provisions of this chapter relative to allotment or issuance of shares shall not make the shares so allotted or issued invalid.

271.215 *Liability of incorporators, subscribers, shareholders, directors and officers.* (1) A subscriber to or holder of shares of a corporation formed under this chapter shall be under no liability to the corporation with respect to such shares other than the obligation of complying with the terms of subscription therefor; but one who became a shareholder in good faith and without knowledge or notice that the shares he acquired had not been fully paid for, shall not be liable to the corporation with respect to such shares.

(2) A shareholder of a corporation formed under this chapter shall not be personally liable for any debt or liability of the corporation.

(3) No person holding shares in any fiduciary capacity shall be personally liable merely by reason of so holding such shares, but the estate in his hands shall be liable, in an action against the fiduciary, in the same manner as the property of other shareholders.

(4) Nothing in this chapter is intended to be in derogation of any rights which any person may have under the common law or the principles of equity against an incorporator, subscriber, shareholder, director, officer or the corporation because of any fraud practiced upon him by any such persons, or the corporation; or in derogation of any rights which the corporation may have because of any fraud practiced on it by any of such persons.

271.225 *Transfer of shares.* The transfer of shares of stock may be regulated by the bylaws provided such bylaws

are not inconsistent with the provisions of Chapter 274 of the Kentucky Revised Statutes.

271.235 *Corporation's lien on shares.* If any stockholder fails to pay any installment on the stock as provided in the subscription for same or when requested by the directors, it may be collected by action or the corporation may sell enough of the shares of such delinquent by public sale at the registered office to pay the amount due, with costs and interest. Before selling the shares of the delinquent the corporation shall give him twenty days' written notice, by personal service if he resides in the county, or by mail to his last known address if he does not live in the county. The notice shall state the time and place at which the shares will be sold. If no bidder can be found to pay the amount due on the shares, and it cannot be collected, the amount previously paid in by the delinquent on the shares shall be forfeited to the corporation, by order of the board of directors.

271.255 *Paid-in surplus.* (1) If, upon the allotment of shares having no par value, any part of the consideration received by the corporation is to be treated as paid-in surplus rather than as payment upon such shares, the incorporators, shareholders or directors, as the case may be, who fix the amount of cash or determine the value of other consideration so received, shall at that time specify the proportion of such value that is to be considered as surplus and the proportion thereof that is to be considered payment for the shares.

(2) Amounts of surplus paid in by shareholders shall be shown on the books of the corporation as a separate item designated "paid-in surplus."

271.265 *Dividends, authority to pay.* The board of directors of a corporation may declare and the corporation may pay dividends on its outstanding shares in cash or property or in its own shares, and may issue its own shares or securities in lieu of unpaid accrued dividends, but no dividend shall be declared or paid or such issue made at a time when the corporation is insolvent or when such payment or issue would render the corporation insolvent or would diminish the amount of the capital of the corporation.

271.275 *Liability of directors and shareholders for dividends unlawfully paid or corporate assets otherwise unlawfully returned.* (1) If any dividend be paid in violation of KRS 271.265, or if any other unlawful distribution, payment or return of assets be made to shareholders, the directors who knowingly, or without making reasonable inquiry, voted in favor thereof shall be jointly and severally liable to the corporation, and, in the event of its dissolution or insolvency, to its creditors, in an amount equal to the amount of the dividend so paid and the distribution, payment or return of assets so made. A director shall not be liable hereunder if he relied and acted in good faith upon a balance sheet and profit and loss statement of the corporation represented to him to be correct by the president or the officer or employe of the corporation having charge of its books of account, or certified by an independent public or certified public accountant to fairly represent the financial condition of the corporation, nor shall he be so liable if in good faith, in determining the amount available for any such dividend, distribution, payment or return of assets, he considered the assets to be of their book value.

(2) Every shareholder who received any such dividend or any such distribution, payment or return of assets shall in the following instances be individually liable to the corporation, and, in the event of its dissolution or insolvency, to its creditors, in an amount equal to the amount so received by him.

(a) When no director is liable to the corporation as provided in subsection (1) of this section, or

(b) To the extent that the corporation is unable to obtain satisfaction after judgments recovered against directors upon the liability imposed by subsection (1) of this section.

(3) No action shall be brought against a director under subsection (1), or against a shareholder under paragraph (a) of subsection (2), unless brought within two years from the date on which such payment, distribution or return was made; and no action shall be brought against a shareholder under paragraph (b) of subsection (2) unless brought within two years from the date of final judgment against the directors.

271.285 *Bylaws.* The shareholder of a corporation may make and alter bylaws not inconsistent with law or the articles of incorporation. The authority to make bylaws may be expressly vested by the articles of incorporation in the board of directors subject to the power of the shareholders to change or repeal such bylaws.

271.295 *Shareholders' meetings.* (1) Shareholders' meetings may be held within or without the state unless otherwise provided in the articles of incorporation or bylaws. The bylaws may provide for the time and place of holding shareholders' meetings. No corporate powers shall be forfeited by failure to elect directors or officers or hold meetings at the time specified.

(2) Special meetings of the shareholders may be called at any time by the board of directors. If more than eighteen months are allowed to elapse without the annual shareholders' meeting being held, any shareholder may call such meeting to be held at the registered office of the corporation. At any time, upon written request of any director, or of any shareholder or shareholders holding in the aggregate one-fifth of the voting power of all shareholders, it shall be the duty of the secretary to call a special meeting of the shareholders to be held at the registered office at such time as the secretary may fix, not less than ten nor more than thirty-five days after the receipt of said request, and if the secretary shall neglect or refuse to issue such call, the director or shareholder or shareholders making the request may do so.

(3) An adjournment or adjournments of any annual or special meeting may be taken without new notice being given, but any meeting at which directors are to be elected shall be adjourned only from day to day until such directors have been elected.

(4) Persons authorized to call shareholders' meetings shall cause written notice of the time, place and purpose of the meeting to be given all shareholders entitled to vote at such meetings, at least ten days prior to the day named for the meeting, unless otherwise provided in the articles of incorporation or in the bylaws. If such written notice is placed in the United States mail, postage prepaid, and addressed to

a shareholder at his address appearing on the books of the corporation, notice shall be deemed to have been given him. Notice of any shareholders' meeting may be waived in writing by any shareholder at any time before or after the meeting.

271.315 *Voting Rights.* (1) Except as otherwise provided in the articles of incorporation, every shareholder of record shall have the right at every shareholders' meeting to one vote for every share standing in his name on the books of the corporation. Unless the articles or bylaws otherwise provide, the board of directors may fix a time not exceeding forty days preceding the date of any meeting of shareholders, or the date fixed for the payment of any dividend or distribution, or the date for the allotment of rights, or, subject to contract rights with respect thereto, the date when any change or conversion or exchange of shares shall be made or go into effect, as a record date for the determination of the shareholders entitled to notice of and to vote at any such meeting, or entitled to receive payment of any such dividend, or allotment of rights, or to exercise the rights in respect to any such change, conversion or exchange of shares, and in such case only shareholders of record on the date so fixed shall be entitled to notice of and to vote at such meeting, or to receive payment of such dividend, or allotment of rights or to exercise such rights, as the case may be, notwithstanding any transfer of shares on the books of the corporation after the record date fixed as aforesaid. The board of directors may close the books of the corporation against transfers of shares during the whole or any part of such period.

(2) In all elections for directors of a corporation, each shareholder shall have the right to cast as many votes in the aggregate as he shall be entitled to vote under its articles of incorporation, multiplied by the number of directors to be elected at such election; and each shareholder may cast the whole number of votes for one candidate, or distribute such votes among two or more candidates. Such directors shall not be elected in any other manner.

(3) Every shareholder shall have the right to cast his vote either in person or by proxy duly authorized in writing and filed with the secretary. Except as may be provided

under subsection (4) of this section, a proxy, unless coupled with an interest, shall be revocable at will notwithstanding any other agreement or any provision in the proxy to the contrary. The validity of every unrevoked proxy shall cease eleven months after the date of its execution unless some other definite period of validity shall be expressly provided therein, but in no event shall a proxy, unless coupled with an interest, be voted on after three years from the date of its execution. The revocation of a proxy shall not be effective until the secretary of the corporation has received notice of such revocation.

(4) A person whose shares are pledged shall be entitled to vote thereon until said shares have been transferred on the books of the corporation to the pledgee, and thereafter the pledgee shall be entitled to vote the same. A person holding shares in a fiduciary capacity may vote the same in person or by proxy. Where shares are held jointly by three or more fiduciaries acting under an instrument becoming effective after June 30, 1946, the will of the majority of such fiduciaries shall control the manner of voting or the giving of a proxy unless the instrument or order appointing the fiduciaries otherwise directs. Where, in any case, fiduciaries are equally divided upon the manner of voting shares jointly held by them, any court of competent jurisdiction may, upon petition filed by any of the fiduciaries, or by any beneficiary, appoint an additional person to act with the fiduciaries in determining the manner in which the shares shall be voted upon the particular questions as to which the fiduciaries are divided.

(5) A corporation owning shares in another corporation may vote the same by its president or by proxy appointed by him unless some other person, by resolution of its board of directors, shall be appointed to vote such shares, in which case such person shall be entitled to vote upon the production of a certified copy of such resolution.

(6) Shares of a corporation belonging to the corporation shall not be voted nor counted in calculating the total voting power of all shareholders of the corporation at any given time.

(7) Subject to the provisions of this chapter with respect to the vote that shall be required for a specific action, the articles of incorporation or the bylaws may specify the votes that shall be necessary for the transaction of any business.

271.325 *Voting trusts.* (1) Two or more shareholders of any domestic corporation may, pursuant to an agreement in writing, transfer their shares to any person, or to a corporation having authority to act as trustee, for the purpose of vesting in such person or corporation, as trustee, all voting or other rights pertaining to such shares for a period not exceeding ten years, and upon the terms and conditions stated in the agreement.

(2) A duplicate original of such agreement shall be filed in the registered office of the corporation and a conformed copy thereof shall be open daily during business hours to the inspection of any shareholder or any depositor under said agreement, or the attorney of any shareholder or depositor.

(3) Any other shareholder may transfer his shares to the same trustee upon the terms and conditions stated in said agreement, and thereupon shall be bound by all of the provisions of said agreement.

(4) The certificates of shares so transferred shall be surrendered and cancelled, and new certificates therefor issued to the trustee. The new certificates shall recite that they are issued pursuant to said agreement. In the entry of transfer on the books of the corporation it shall also be noted that the transfer is made pursuant to said agreement.

(5) Unless the agreement otherwise provides, the trustee shall execute and deliver to the transferors voting trust certificates. Such voting trust certificates shall be transferable in the same manner and with the same effect as certificates of stock under the provisions of Chapter 274 of the Kentucky Revised Statutes.

(6) The trustee shall possess all voting and other rights pertaining to the shares so transferred and registered in his name subject to the terms and conditions of, and for the period specified in said agreement.

(7) Unless otherwise provided in said agreement:

(a) The trustee may vote in person or by proxy;

(b) If there are two or more trustees the manner of voting shall be determined as provided in subsection (4) of KRS 271.315.

(c) Vacancies among the trustees shall be filled by the remaining trustees;

(d) A trustee shall incur no responsibility as trustee except for his own individual neglect or malfeasance.

271.335 *Quorum.* (1) A shareholders' meeting duly called is organized for the transaction of business whenever a quorum is present.

(2) Except as otherwise provided in the articles of incorporation:

(a) The presence, in person or by proxy, of the holders of a majority of the voting power of all shareholders shall constitute a quorum;

(b) The shareholders present at a duly organized meeting can continue to do business until adjournment, notwithstanding the withdrawal of enough shareholders to leave less than a quorum;

(c) If a meeting is not organized because a quorum is not present, the shareholders present may adjourn the meeting to such time and place as they may determine, subject, however, to the provisions of subsection (3) of KRS 271.295; but in the case of any meeting called for the election of directors, those who attend the second of such adjourned meetings, although less than a quorum as fixed in this section or in the articles of incorporation, shall nevertheless constitute a quorum for the purpose of electing directors.

271.345 *Directors.* (1) The business of every corporation shall be managed by a board of at least three directors, who need not be shareholders unless the articles of incorporation so require, a director shall hold office for the term for which he was named or elected and until his successor is elected and has accepted the election.

(2) After the issuance of the certificate of incorporation, the first meeting of shareholders shall be held, either within or without this state, at the call of the incorporators or

a majority of them, for the purpose of electing directors, of making bylaws if the articles of incorporation do not provide for the making thereof by the directors, and for such other purposes as shall be stated in the notice of the meeting. The incorporators so calling the meeting shall give at least three days' notice thereof by mail to each shareholder, which notice shall state the time, place, and purpose of the meeting.

(3) After the election by shareholders of the directors constituting the first board of directors, an organization meeting of such board of directors shall be held, either within or without this state, at the call of a majority of the directors so elected, for the purpose of adopting bylaws if the articles of incorporation so provide, for the purpose of electing officers, and for the transaction of such other business as may come before the meeting. The directors calling the meeting shall give at least one day's notice thereof by mail to each director so elected, which notice shall state the time and place of meeting. Such call and notice shall not be necessary if all directors are shown by the minutes of such meeting to have been present thereat.

(4) The number, qualifications, manner of election, time and place of meeting, and the powers and duties of the directors may, subject to the provisions of this chapter be prescribed by the articles of incorporation or bylaws. Directors shall be elected for terms of one year, except that it may be provided by the articles or bylaws, or by a vote of the shareholders, that the directors be elected for terms of two years or three years, in which case the terms shall be so arranged that the terms of an equal or nearly equal number of directors will expire each year. Except as otherwise provided in the articles or bylaws:

(a) Vacancies in the board of directors shall be filled by the remaining member or members of the board. Each person so elected shall be a director until his successor is elected by the shareholders, who shall make such election for the unexpired term, if any, at the next annual meeting of the shareholders or at a special meeting duly called for that purpose;

(b) The meetings of the board of directors may be held at such place, in this state or elsewhere, as the bylaws may provide;

(c) A majority of the board of directors shall constitute a quorum for the transaction of business, unless the bylaws provide that a different number shall constitute a quorum, which in no case shall be less than one-third of the total number of directors nor less than two directors. The acts of a majority of the directors present at a meeting at which a quorum is present shall be the acts of the board of directors;

(d) The board of directors may, by resolution passed by a majority of the whole board, designate two or more of their number to constitute an executive committee, who, to the extent provided in the resolution, shall have and exercise the authority of the board of directors in the management of the corporation.

271.355 *Officers and agents.* (1) The board of directors shall elect a president, a secretary and a treasurer, and may elect one or more vice-presidents. No officer need be a director. Any two of the offices of vice-president, secretary and treasurer may be combined in one person.

(2) Such officers and agents as may be necessary for the business of the corporation may be appointed by the board of directors or in the manner provided in the bylaws.

(3) All officers and agents shall respectively have such authority and perform such duties in the management of the property and affairs of the corporation, subject to the control of the board of directors, as may be prescribed in the bylaws, or, in the absence of controlling provisions in the bylaws, as may be determined by the board of directors.

(4) Any officer or agent may be removed by the board of directors whenever in their judgment the best interests of the corporation will be served thereby. Such removal, however, shall be without prejudice to the contract rights of the person so removed.

271.365 *Relation of directors and officers to corporation.* Officers and directors shall be deemed to stand in a fiduciary

relation to the corporation, and shall discharge the duties of their respective positions in good faith, and with that diligence, care and skill which ordinarily prudent men would exercise under similar circumstances in like positions.

271.375 *Indemnification of directors and officers against liabilities, costs and expenses in litigation in official capacity.* (1) Each director or officer of a corporation created under the laws of this state, or his personal representative, shall be indemnified by the corporation against claims, liabilities, expenses, and costs actually and necessarily incurred by him or his estate in connection with, or arising out of, any action in which he is made a party by reason of his being, or having been, an officer or director, except in relation to matters as to which he shall be adjudged in such action to be liable for actual negligence or misconduct in the performance of his duties as such director or officer.

(2) The right of indemnification herein provided for shall also apply in respect to any amount paid in compromise of any such claim asserted against such director or officer (including expenses and costs actually and necessarily incurred in connection therewith); provided the board of directors of the corporation shall have first approved such proposed compromise settlement and determined that the director or officer involved was not guilty of actual negligence or misconduct; but in taking such action any director involved shall not be qualified to vote thereon, and if for this reason a quorum of the board cannot be obtained to vote on such matter it shall be determined by a committee of three disinterested shareholders appointed by the shareholders at a duly called special meeting or at a regular meeting.

271.385 *Registered office and process agent.* (1) Every domestic corporation shall maintain an office in this state to be known as its registered office and shall have an authorized agent upon whom process can be served. The location and post-office address of the original registered office, and the name and address of the original agent, shall be stated in the articles of incorporation as provided in subsection (1) of KRS 271.035.

(2) Every foreign corporation, except foreign insurance companies, carrying on business in this state, shall at all times have an office in this state and an authorized agent in this state upon whom process can be served. A statement, signed by the president or secretary of the corporation, giving the location and post-office address of the office and the name and address of the agent, shall be filed with the Secretary of State at the same time the certified copy of the articles of incorporation is filed as provided in subsection (3) of KRS 271.055.

(3) When any change is made in the location and post-office address of the registered office of a domestic corporation, or of the Kentucky office of a foreign corporation, or in the name or address of the process agent of any corporation, the corporation shall at once file with the Secretary of State a statement of the change. The former agent shall remain agent for the purpose of service of process until a statement designating the new agent is filed.

(4) The Secretary of State shall charge a fee of $5.00 for the filing of each statement mentioned in subsections (2) and (3) of this section.

(5) Every corporation shall, in June of each year, file with the Secretary of State a statement verifying the correctness of the location and post-office address of its office (registered or Kentucky as the case may be) and the name of its agent designated for the service of process, and pay a fee of $1.00.

(6) The agent for service of process provided for in this section may be either an individual resident of this state, or a corporation authorized to transact business in this state and authorized by its articles or certificate of incorporation to act as such an agent. Service of process upon a corporate agent, as such agent, may be had by delivering a copy of the process to the president, a vice-president, the secretary, or an assistant secretary of such corporate agent.

271.395 *Corporate books and records; share register; right of shareholders to inspect books.* (1) Every domestic corporation shall keep at its registered office a share register or duplicate giving the names of the shareholders in alpha-

betical order, and showing their respective addresses, the number and classes of shares held by each, and the dates on which they acquired the same.

(2) Every domestic corporation shall keep appropriate and complete books of account, and records of the proceedings of shareholders and directors.

(3) A corporation may open a share register in any state of the United States. It may employ an agent to keep such register and to record transfers of shares therein, in this or any other state, or both, and the acts of such agent shall be binding on the corporation. The duties and liabilities of such agent shall be such as may be agreed to by the corporation.

(4) Every shareholder shall have a right to examine, in person or by agent or attorney, at any reasonable time or times, for any proper corporate purpose, the share register or duplicate, and the books of account and records of the proceedings of the shareholders and directors, and to make extracts therefrom.

271.405 *Written consent of shareholders.* Except as required in KRS 271.415 and 271.470, whenever it is provided in this chapter that corporate action may be adopted at a meeting of the shareholders called for that purpose, such corporate action may be adopted without a meeting, if all the shareholders who would have been entitled to vote upon the action, if such meeting were held, shall consent in writing to such corporate action being taken.

271.415 *Voluntary transfer of corporate assets.* (1) A voluntary sale, lease or exchange of all assets of a corporation may be authorized by it upon such terms and conditions as it deems expedient, including an exchcange in whole or in part for shares in another corporation, domestic or foreign.

(2) If the corporation is able to meet its liabilities then matured, such authorization shall be given at a meeting of shareholders, duly called for the purpose, and by a vote of the holders of a majority of the voting power of all shareholders entitled to vote or by such vote as may be provided for in the articles of corporation, which shall not be less than

the vote of the holders of a majority of the voting power of all shareholders. If the corporation is unable to meet its liabilities then matured, such authorization may be given by the vote of the board of directors.

(3) This section is not intended to authorize a conveyance or exchcange of assets in fraud of corporate creditors or of minority shareholders or shareholders without voting rights, or in violation of Chapter 377, Kentucky Revised Statutes, relating to bulk sales.

(4) If a corporation has authorized the sale or exchange of all its assets, at a time when it is able to meet its liabilities then matured, a shareholder who did not vote in favor of such corporate action may, within twenty days after the date upon which such action was authorized, object thereto in writing and demand payment for his shares. If, after such a demand by a shareholder or shareholders, the corporation and the shareholder or shareholders cannot agree upon the fair market value of the shares at the time such corporate action was authorized, such value shall be ascertained by three disintereseted persons, one of whom shall be named by the shareholder, or if there are more than one of such objecting shareholders, by the holders of a majority of the voting power of such shareholders, another by the corporation and the third by the two thus chosen. If, within ten days after the expiration of the time for objecting in writing and demanding payment for shares, the corporation or the objecting shareholder, if only one, has not named an appraiser, or the holders of a majority of the voting power of all objecting shareholders have been unable to agree upon and name an appraiser, or the two appraisers named by the corporation and the shareholder or shareholders have not agreed upon and named a third appraiser, the appraiser or appraisers shall, upon the ex parte petition of the corporation or any such shareholder, be named by the judge of the circuit court of the county in which the corporation's registered office is located, and if such court has more than one judge then by any judge thereof. The finding of the appraisers shall be final, except that within thirty days after the award of the appraisers is made the corporation may be authorized to

abandon the sale, lease or exchange of its assets by the vote of the holders of a majority of the voting power of the shareholders who consented to such sale, lease or exchange, at a meeting of such shareholders duly called for the purpose, and the right of the objecting shareholder or shareholders to be paid for his or their shares shall cease. If such abandonment is not so authorized within said thirty-day period, the objecting shareholder or shareholders shall then have a right to recover, in an action against the corporation, the amount of the appraisers' award. Upon payment by the corporation to the objecting shareholder of the agreed or awarded price of his shares, the shareholder shall forthwith transfer and assign the shares held by him at, and in accordance with, the request of the corporation.

(5) Nothing in this section shall apply to a mortgage or deed of trust executed by the corporation.

271.425 *Power to purchase assets of other corporation.* Except as otherwise provided by law, any corporation may purchase the corporate assets of any other corporation, whether or not such other corporation is engaged in the same type of business.

271.435 *Organization of purchaser corporation.* The purchaser of the corporate assets of a corporation, either at private sale or under judgment of court, may organize a corporation for the continuation, operation and management of the same. The purchaser corporation, when organized, shall have the same rights, privileges and franchises as have been granted to or acquired by the corporation purchased, and be subject to all the restrictions and liabilities imposed upon it as well as by the provisions of this chapter. In addition to the requirements of KRS 271.035, the articles of incorporation of the corporation authorized by this section shall set out a description of the property sold, the decree under which the sale was made if sold under a judgment, or if not, the deed conveying the property, the amount paid or to be paid, and to and by whom, and any other necessary statement. The articles of incorporation shall be signed by the purchaser and his associates, if any, and recorded as provided in KRS

271.055. When the certificate of incorporation has been issued by the Secretary of State the corporate existence shall begin and the corporation shall have all of the rights, powers and privileges, and be subject to all restrictions and liabilities of other corporations organized under this chapter. Such corporation may, if it so desires and it is so stated in the articles of incorporation, have the same name or a name similar to that of the corporation whose assets were purchased.

271.440 *Sale of corporate assets under court decree.* Sales of the assets of a corporation under court decree shall be made on such credits, after such notice or advertisement, at such time and place, and by such person, as the court considers proper and may direct. If a sale is made in the enforcement of a mortgage or deed of trust, the court may order it made for the whole amount of the outstanding bonds or notes secured by the deed of trust or mortgage; or if the assets will bring that much, then for the amount of interest due under the deed of trust or mortgage, subject to the payment by the purchaser of the outstanding bonds or notes and subsequently accruing interest as they may become due. In the latter event, the court may require the purchaser to secure the assumption of this payment. If the assets do not bring enough to pay the interest due, the court shall direct the officer making the sale to sell the assets free from encumbrances.

271.445 *Amendment of articles of incorporation.* (1) A corporation may, at a meeting of the shareholders duly called upon notice of the specific purpose, and in the manner provided in this section and in KRS 271.450 and 271.455, amend its articles in any respect so as to include any provision authorized by this chapter, or so as to add to its corporate purposes or to diminish the same, or both, or substitute other purposes in whole or in part for those prescribed in the original articles or any previous amendment thereto, or so as to extend the period of its duration for a further definite time or perpetually.

(2) An amendment of the articles of incorporation may be adopted by vote of the holders of a majority of the voting

power of all shareholders entitled to vote or by such vote as the articles of incorporation may require, which shall not be less than the vote of the holders of a majority of such voting power.

(3) If an amendment would alter or change the preferences, special rights or powers given to the holders of shares of any class or classes so as to affect the same adversely, or would increase or decrease the number of or the par value of shares of any class or classes, then the holders of each class of shares so affected by the amendment shall be entitled to vote as a class upon such amendment, whether by the terms of the articles of incorporation such class be entitled to vote or not, and, in addition to the vote required by subsection (2) of this section, the vote of the holders of a majority of the shares of each class so affected by the amendment shall be necessary to the adoption thereof.

(4) The incorporators by signing and acknowledging articles of amendment as provided in KRS 271.450 may adopt an amendment to the articles of incorporation prior to the receiving of any subscriptions for shares, except those subscriptions required to be stated in the articles of incorporation.

271.450 *Articles of amendment; contents; subscription; recording.* (1) After an amendment has been adopted, articles of amendment shall be prepared in triplicate originals setting forth the amendment and certifying the time and manner of adoption thereof, and which may contain a statement of the purposes of the amendment and the changes thereby affected, and shall be signed and acknowledged by the president or a vice-president and the treasurer or secretary, or an assistant treasurer or secretary.

(2) The triplicate originals of the articles of amendment shall be delivered to the Secretary of State. If the Secretary of State finds that the articles of amendment have been duly signed and acknowledged according to law, he shall when all taxes, fees and charges therefor have been paid as required by law, record one original in his office and shall issue a certificate of amendment. Thereupon the amendment shall become effective.

(3) The certificate of amendment together with the remaining original articles of amendment endorsed with the fact and time of recording in the office of the Secretary of State shall be returned to the corporation. One original shall then be filed with and recorded by the clerk of the county court of the county in which the registered office of the corporation is located, and the other shall be retained by the corporation.

(4) The Secretary of State and the clerk of the county court shall be paid the same fees for recording articles of amendment as they are paid for recording articles of incorporation, and the Secretary of State shall be paid the same fee for issuing a certificate of amendment as he is paid for issuing a certificate of incorporation.

271.455 *Provisions relating to certain amendments.* (1) If the total number of shares is to be increased or decreased the articles of amendment shall also state:

(a) The total number of shares, including those previously authorized, which the corporation will thenceforth be authorized to have;

(b) The number of shares that have a par value and the par value thereof, and the number of shares that have no par value; and

(c) If shares are divided into more than one class, a description of the classes, and a statement of the number of shares in each class, and of the designations, voting power, preferences and rights and the qualifications, limitations or restrictions granted to or imposed upon the shares of each class, or if the designations, voting power, preferences and rights and the qualifications, limitations and restrictions are unchanged, a statement to that effect.

(2) If shares having a par value are to be changed into an equal or different number of shares having no par value, the amount of the consideration for which shares having no par value are allotted to take the place of outstanding shares having a par value shall be deemed to be the amount of the aggregate par value of such outstanding shares, or, if the actual value of such shares is less than their par value, the

consideration may be stated in the articles of amendment to be their actual value.

(3) If shares having no par value are to be changed into an equal or different number of shares having a par value, the shares having a par value which are allotted to take the place of outstanding shares having no par value, shall be taken to be fully paid for, but the aggregate par value of such shares shall not exceed the actual value of the assets of the corporation, less its liabilities, reprersented by the shares having no par value so exchanged.

(4) If shares having no par value are to be changed into a different number of the same class or of any other class or classes of shares having no par value, the corporation shall be deemed to have received for such new shares as represent or take the place of such outstanding shares the amount of the capital of the corporation represented by the the outstanding shares so changed.

271.460 *Reduction of capital.* (1) The capital of a corporation may be reduced by a resolution adopted by the vote of the shareholders representing not less than a majority of its outstanding shares, cast in person or by proxy at a meeting of the shareholders duly called and held for that purpose, or by such vote as the articles of incorporation require, which shall not be less than the vote of the holders of a majority of the outstanding shares.

(2) Following the adoption of such a resolution for the reduction of capital, articles of reduction of capital shall be prepared and recorded in the manner required by KRS 271.450 for the preparation and recording of articles of amendment. The articles of reduction shall state that the proposed reduction will not reduce the fair value of the assets of the corporation to an amount less than the total amount of its debts and liabilities plus the amount of its capital as so reduced.

(3) No attempted reduction of capital shall be effective until the Secretary of State has recorded the articles of reduction and issued a certificate of reduction, and no such attempted reduction shall be valid, even if the Secretary of State has recorded the articles of reduction and issued a cer-

tificate of reduction, if such reduction would reduce the actual value of the corporate assets to an extent prohibited by subsection (2) of this section.

(4) The Secretary of State and the county court clerk shall be paid the same fees for recording the articles of reduction as they are paid for recording articles of incorporation, and the Secretary of State shall be paid the same fee for issuing a certificate of reduction as he is paid for issuing a certificate of incorporation.

271.465 *Merger and consolidation authorized.* Any two or more domestic corporations, formed for any purpose for which a corporation might be formed under this chapter, or one or more domestic corporations and one or more foreign corporations with authority to carry on any business for the conduct of which a corporation might be organized under this chapter, may be merged into one of such domestic corporations, or consolidated into a new corporation to be formed under this chapter, provided in the case of a foreign corporation it is authorized by the laws of the government under which it was formed to effect such merger or consolidation.

271.470 *Merger or consolidation, joint agreement for.* The merger or consolidation of corporations may be effected only as a result of a joint agreement entered into and recorded as follows:

(1) The board of directors of each of such corporations as desire to merge or consolidate may, by majority vote, enter into a joint agreement signed by such directors or a majority of them, prescribing the terms and conditions of merger or consolidation, the mode of carrying the same into effect, and the manner and basis of converting or exchanging the shares of each of the constituent corporations into or for shares or other securities of the surviving or new corporation, with such other details and provisions as are deemed necessary.

(2) The agreement shall be submitted to the shareholders of each of the merging or consolidating corporations, at a meeting thereof, duly called separately in the manner provided in KRS 271.295 for calling shareholders' meetings, and if at such meetings the holders of a majority of the voting

power of the shareholders of each corporation vote for the adoption of the agreement, then that fact shall be certified on the agreement by the secretary of each corporation, and the agreement so adopted and certified shall be signed and acknowledged by the president or a vice-president, and the secretary or an assistant secretary, of each of the corporations.

(3) The agreement so adopted, certified and acknowledged shall be delivered to the Secretary of State, who, if the same has been signed and acknowledged according to law, shall record it in his office. A copy thereof, endorsed by the Secretary of State, with the fact and time of recording in his office, shall be filed with and recorded by the clerk of the county court of each county in this state in which any of the corporate parties to the agreement has its registered office, and of each county in which any of the corporate parties has land, title to which will be transferred as a result of the merger or consolidation. The Secretary of State and the clerk of the county court shall each be paid a fee of $10.00 for recording such agreement.

271.475 *Consolidation, articles of incorporation for.* (1) If the joint agreement is for a consolidation into a new corporation to be formed under this chapter, articles of incorporation for such new corporation shall be prepared and delivered to the Secretary of State together with the agreement as provided in KRS 271.470.

(2) Such articles shall be prepared in the manner and form prescribed in KRS 271.035, except that:

(a) The corporations consolidating shall be named as the incorporators of the new corporation;

(b) The articles shall be signed and acknowledged by the president or a vice-president, and secretary or an assistant secretary, of each of said corporations;

(c) In lieu of the matter required by paragraphs (g) and (h) of subsection (1) of KRS 271.035, such articles shall state the manner and basis of converting or exchanging the shares of each of the consolidating corporations into or for the shares or other securities of the new corporation.

(3) Such articles of incorporation shall be recorded, and a certificate of incorporation issued, as provided in subsections (1) and (2) of KRS 271.055, and like fees shall be paid to the Secretary of State and to the clerk of the county court.

271.480 *When merger or consolidation effective.* (1) A merger of corporations into a domestic corporation shall be effective when the joint agreement has been recorded in the office of the Secretary of State.

(2) A consolidation of corporations into a domestic corporation shall be effective when the joint agreement has been recorded in the office of the Secretary of State and when a certificate of incorporation of the new corporation has been issued by the Secretary of State.

271.485. *Effect of merger or consolidation.* Upon the consummation of the merger or consolidation as provided in KRS 271.480, the effect of such merger or consolidation shall be:

(1) The several parties to the joint agreement shall be one corporation, which shall be:

(a) In the case of merger, that one of the constituent corporations into which it has been agreed the others shall be merged and which shall survive the merger for that purpose, or

(b) In the case of consolidation, the new corporation into which it has been agreed the others shall be consolidated;

(2) The separate existence of the constituent corporations shall cease, except that of the surviving corporation in the case of merger;

(3) The surviving or new corporation, as the case may be, shall possess all the rights, privileges and franchises possessed by each of the former corporations so merged or consolidated, except that such surviving or new corporation shall not thereby acquire authority to engage in any business or exercise any right which a corporation may not be formed under this chapter to engage in or exercise;

(4) All the property of each of the corporations, and all debts due on whatever account to any of them, including

subscriptions for shares and other choses in action belonging to any of them, shall be taken and be deemed to be transferred to and vested in such surviving or new corporation, as the case may be, without further act or deed;

(5) The surviving or new corporation shall be responsible for all the liabilities of each of the corporations merged or consolidated, in the same manner as if such surviving or new corporation had itself incurred such liabilities; but the liabilities of such constituent corporations or of their shareholders, directors or officers shall not be affected, nor shall the rights of the creditors thereof or of any person dealing with such corporations be impaired by such merger or consolidation, and any claim existing or action or proceeding pending by or against any of such constituent corporations may be prosecuted to judgment as if such merger or consolidation had not taken place, or the surviving or new corporation may be proceeded against or substituted in its place.

271.490 *Rights of dissenting shareholders in case of merger or consolidation; abandonment of merger or consolidation.* When a corporation has become a party to a merger or consolidation agreement, as provided in KRS 271.465 to 271.485, any shareholder of such corporation who did not vote in favor of such merger or consolidation at the meeting at which the merger or consolidation was authorized may, at any time within twenty days after such authorization was given, object thereto in writing and demand payment for his shares and have the values of his shares appraised as provided in subsection (4) of KRS 271.415. The liability of the corporation to such dissenting shareholder for the value of his shares so agreed upon or awarded shall also be a liability of the surviving or new corporation, as the case may be. If any shareholder objects and demands payment for his shares, the merger or consolidation agreement need not be filed with the Secretary of State and the merger or consolidation need not be affected until after the value of the shares of the dissenting shareholders has been agreed upon or ascertained by appraisers. At any time within thirty days after such value has been agreed upon or ascertained, any corporation which is a party to the merger or consolidation agreement may be

authorized, by the vote of the holders of a majority of the voting power of the shareholders who consented to such merger or consolidation, given at a meeting of such shareholders duly called for the purpose, to abandon the merger or consolidation, and thereupon the merger or consolidation shall be cancelled and become of no effect and the right of dissenting shareholders to be paid for their shares shall cease.

271.495 *Voluntary dissolution by incorporators.* A corporation which has not commenced business and which has not issued any shares may be voluntarily dissolved by its incorporators at any time within one year from the date of the issuance of its certificate of incorporation, in the following manner:

(1) Articles of dissolution shall be executed in triplicate by a majority of the incorporators and acknowledged by them, and shall set forth:

(a) The name of the corporation;

(b) The date of issuance of its certificate of incorporation;

(c) That none of its shares have been issued;

(d) That the corporation has not commenced business;

(e) That the amount, if any, actually paid in on subscriptions to its shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto;

(f) That no debts of the corporation remain unpaid;

(g) That all the incorporators elect that the corporation be dissolved.

(2) Triplicate originals of the articles of dissolution shall be delivered to the Secretary of State. If the Secretary of State finds that the articles of dissolution have been signed and acknowledged according to law, he shall, when all taxes, fees and charges have been paid as prescribed by law:

(a) Endorse on each of such originals the fact and time of filing;

(b) Record one of such originals in his office;

(c) Issue a certificate of dissolution.

(3) The certificate of dissolution together with the two remaining original articles of dissolution shall be returned by the Secretary of State to the incorporators or their representatives, who shall cause one of the originals to be recorded in the office of the clerk of the county court of the county in which the registered office of the corporation is situated. Upon the issuance of the certificate of dissolution, the existence of the corporation shall cease.

271.500 *Election to dissolve by act of the corporation or by consent of the shareholders.* A corporation may elect to dissolve voluntarily and wind up its affairs, by the act of the corporation or by the written consent of the holders of all the voting power of the shareholders. If desired to be done by the act of the corporation, the board of directors shall adopt a resolution recommending that the corporation be dissolved voluntarily, and direct that the question of such dissolution be submitted to a vote at a meeting of shareholders duly called upon notice of the specific purpose in the manner provided in KRS 271.295. At such meeting a vote of the shareholders entitled to vote shall be taken on a resolution to dissolve the corporation voluntarily, which shall require for its adoption the affirmative vote of the holders of a majority of the voting power of all shareholders entitled to vote, or such vote as the articles of incorporation may require, which shall not be less than the vote of the holders of a majority of such voting power. Upon the adoption of such a resolution, or upon the execution of a written consent to dissolution by the holders of all the voting power of the shareholders, a statement of intent to dissolve shall be signed in triplicate by the president or a vice-president, and acknowledged by him, and attested by the secretary or an assistant secretary, which shall set forth:

(a) The name of the corporation;

(b) The names and the post-office addresses of its officers;

(c) The names and post-office addresses of its directors;

(d) A copy of the resolution of the shareholders authorizing the dissolution, or of the agreement signed by the shareholders consenting to the dissolution;

(e) The names and post-office addresses of the persons who shall act for the corporation in winding up its affairs;

(f) The number of shares outstanding;

(g) The number of shares voted for and against the resolution for dissolution, respectively, or a statement that the agreement for dissolution was signed by the holders of all the voting power of the shareholders in person or by their attorneys thereunto duly authorized.

271.505 *Recording of statement of intent to dissolve.* Triplicate originals of the statement of intent to dissolve, whether by consent of shareholders or by act of the corporation, shall be delivered to the Secretary of State. If the Secretary of State finds that such statement has been signed and acknowledged according to law, he shall, when his fees and charges have been paid:

(a) Record the statement in his office;

(b) Endorse on each of the originals the fact and time of the recording of the statement;

(c) Immediately forward one of the originals to the Commissioner of Revenue;

(d) Return the other originals to the corporation or its representative. One of these originals shall be filed with and recorded by the clerk of the county court of the county in which the registered office of the corporation is situated.

271.510 *Effect of statement of intent to dissolve.* Upon the recording by the Secretary of State of a statement of intent to dissolve, whether by consent of shareholders or by act of the corporation, the corporation shall cease to carry on its business, except in so far as may be necessary for the proper winding up thereof, but its corporate existence shall continue until a certificate of dissolution has been issued by the Secretary of State or until a decree dissolving the corporation has been entered by a court, as provided in this chapter.

271.515 *Proceedings after recording of statement of intent to dissolve.* After the recording by the Secretary of State of a statement of intent to dissolve:

(a) The corporation shall immediately cause a notice thereof to be mailed to each known creditor of the corporation;

(b) The corporation shall proceed to collect its assets, convey and dispose of its properties, pay, satisfy, and discharge its liabilities and obligations and do all other acts required to liquidate its business and affairs, and, after paying or adequately providing for the payment of all of its obligations, distribute the remainder of its assets, either in cash or in kind, among its shareholders according to their respective rights and interests.

271.520 *Method of revoking voluntary dissolution proceedings.* By the act of the corporation or by the written consent of the holders of all the voting power of the shareholders, a corporation may, at any time prior to the issuance of a certificate of dissolution by the Secretary of State as provided in KRS 271.540, revoke voluntary dissolution proceedings theretofore taken, whether by act of the corporation or by consent of the shareholders. If desired to be done by the act of the corporation, the board of directors shall adopt a resolution recommending that the voluntary dissolution proceedings be revoked and directing that the question of such revocation be submitted to a vote at a meeting of shareholders duly called upon notice of the specific purpose in the manner provided in KRS 271.295. At such meeting a vote of the shareholders entitled to vote shall be taken on a resolution revoking the voluntary dissolution proceedings, which shall require for its adoption the affirmative vote of the holders of a majority of the voting power of all shareholders entitled to vote, or such vote as the articles of incorporation may require, which shall not be less than the vote of the holders of a majority of such voting power. Upon the adoption of such a resolution, or upon the execution of a written consent to revocation of the dissolution proceedings by the holders of all the voting power of the shareholders, a statement of revocation of voluntary dissolution proceedings shall be signed in triplicate by the president or a vice-president, acknowledged by him, and attested by the secretary or an assistant secretary, which shall set forth:

(a) The name of the corporation;

(b) The names and post-office addresses of its officers;

(c) The names and post-office addresses of its directors;

(d) A copy of the resolution of the shareholders revoking the dissolution proceedings, or of the written consent to revocation signed by the shareholders;

(e) The number of shares outstanding;

(f) The number of shares voted for and against the resolution for revocation, respectively, or a statement that the written consent to revocation was signed by the holders of all the voting power of the shareholders in person or by their attorneys thereunto duly authorized.

271.525 *Recording statement of revocation of voluntary dissolution proceedings.* Triplicate originals of the statement of revocation of voluntary dissolution proceedings, whether by consent of shareholders or by act of the corporation, shall be delivered to the Secretary of State. If the Secretary of State finds that such statement has been signed and acknowledged according to law, he shall, when his fees and charges have been paid:

(a) Record the statement in his office;

(b) Endorse on each of the originals the fact and time of recording thereof;

(c) Forward one of the originals to the Commissioner of Revenue;

(d) Return the other originals to the corporation or its representative. One of these originals shall be filed with and recorded by the clerk of the county court of the county in which the registered office of the corporation is situated.

271.530 *Effect of statement of revocation of voluntary dissolution proceedings.* Upon the recording by the Secretary of State of a statement of revocation of voluntary dissolution proceedings, whether by consent of shareholders or by act of the corporation, the revocation of the voluntary dissolution proceedings shall become effective and the corporation may again carry on its business.

271.535 *Articles of dissolution.* When all debts, liabilities, and obligations of the corporation have been paid and dis-

charged or adequate provision has been made therefor, and all of the remaining property and assets of the corporation have been distributed to its shareholders, articles of dissolution shall be executed in triplicate by the president or a vice-president, and acknowledged by him, and attested by the secretary or an assistant secretary, which shall set forth:

(a) The name of the corporation;

(b) That the corporation has theretofore filed with the Secretary of State and with the clerk of the county court of the county in which the registered office of the corporation is situated, a statement of intent to dissolve, and the date on which such statement was recorded by the Secretary of State;

(c) That all debts, obligations, and liabilities of the corporation have been paid and discharged or that adequate provision has been made therefor;

(d) That all the remaining property and assets of the corporation have been distributed among its shareholders in accordance with their respective rights and interests;

(e) That there are no suits pending against the corporation in any court, or that adequate provision has been made for the satisfaction of any judgment, order, or decree which may be entered against it in any pending suit.

271.540 *Filing articles of dissolution; satisfaction of tax liabilities; recording of articles, issuance of certificate of dissolution.* (1) Triplicate originals of the articles of dissolution shall be delivered to the Secretary of State. He shall take no action with regard thereto until he has received from the Commissioner of Revenue a certificate certifying that all tax liability of the corporation to the state and its political subdivisions has been satisfied in full, and approving the dissolution of the corporation, such approval being conditioned solely upon the status of the tax liability of the corporation. However, if after thirty days have elapsed since the statement of intent to dissolve was forwarded to the Commissioner of Revenue as provided in KRS 271.505, no notice that taxes are due has been filed with the Secretary of State by the Commissioner of Revenue, the Secretary of State shall proceed as if approval had been given, but if it is later determined that the corporation is indebted for taxes to the state or any

of its political subdivisions, this provision shall not relieve any such liability. When approval of the Commissioner of Revenue has been given or deemed to have been given as above provided, and when the fees due the Secretary of State have been paid, the Secretary of State shall, if he finds that the articles of dissolution have been signed and acknowledged according to law:

(a) Record the articles in his office;

(b) Endorse on each of the originals the fact and time of recording;

(c) Issue a certificate of dissolution.

(2) The certificate of dissolution with the originals of the articles of dissolution shall be returned to the corporation or its representative. One of these originals shall be filed with and recorded by the clerk of the county court of the county in which the registered office of the corporation is situated. Upon the issuance of such certificate of dissolution, the existence of the corporation shall cease.

271.545 *Recording fees in connection with dissolution proceedings.* The Secretary of State shall be paid a fee of $2.00 for recording a statement under KRS 271.505 or 271.525, or for recording articles under KRS 271.495 or 271.540, and a fee of $1.00 for issuing a certificate of of dissolution under KRS 271.495 or 271.540. The clerk of the county court shall be paid a fee of $2.00 for recording any such statement or articles.

271.550 *Venue of receivership suits; parties.* Suit of a creditor or shareholder of a corporation for the appointment of a receiver shall be brought in the circuit court of the county in which the registered office of the corporation is situated. It shall not be necessary to make the shareholders, officers or directors parties to any such suit unless relief is sought against them personally.

271.555 *Procedure in receivership suits.* (1) In suits for the appointment of a receiver the circuit court shall have all the usual powers of a court of equity to issue injunctions, to appoint a receiver or receivers pendente lite with such powers and duties as the court, from time to time, may direct, and to

take such other action as may be required to collect, protect and preserve the corporate assets and carry on the business of the corporation until a full hearing can be had.

(2) Upon hearing and proof of the issues, after such notice as the court may direct to be given to all parties to the proceedings and to any other parties in interest designated by the court, the court may appoint a liquidating receiver, or receivers with authority to collect the assets of the corporation, including all amounts owing to the corporation by shareholders on account of any unpaid portion of the consideration for the issuance of shares. Upon the appointment of a liquidating receiver the authority of any receiver pendente lite shall cease. A liquidating receiver shall have authority, subject to the order of court, to sell, convey, and dispose of all or any part of the assets of the corporation, either at public or private sale. The assets of the corporation or the proceeds resulting from such a disposition thereof shall be applied to the expense of the liquidation and to the payment of the liabilities and obligations of the corporation, and any remaining assets or proceeds shall be distributed among its shareholders according to their respective rights and interests. The order appointing a liquidating receiver shall state his powers and duties. Such powers and duties may be increased or diminished at any time during the proceedings. A receiver of a corporation appointed under the provisions of this subsection shall have authority to sue and defend in all courts in his own name as receiver of such corporation, and the court appointing the receiver may issue writs in favor of the receiver to the sheriff of any county in this state for service.

(3) The liquidation of the assets of a corporation may be discontinued at any time during the liquidation proceedings, as hereinafter set forth in this subsection. When a compromise or reorganization of the corporation is proposed, whether the suit was instituted by a shareholder or by a creditor, the court, upon the summary petition of any shareholder, or creditor, or receiver, may order meetings of the creditors or shareholders, or both, to be summoned in such manner as the court may direct. If a majority in number representing three-fourths in value of the creditors or the holders of three-fourths of the shares entitled to vote thereon

at such meeting, or both, or if a majority in number representing three-fourths in value of any class of creditors, or if the holders of three-fourths of the shares of any class, as the case may be, agree to any compromise or reorganization of the corporation, such compromise or reorganization, if approved by the court, shall be binding on all creditors or on all shareholders, or both, or on the class of creditors or class of shareholders, or both, as the case may be, and also on the corporation and its receivers, if any.

271.560 *Qualifications of receivers; bond.* A receiver shall in all cases be a resident of this state or a corporation authorized to act as receiver, which corporation may be a domestic corporation or a foreign corporation authorized to transact business in this state. The receiver shall give such bond as the court may direct with such sureties as the court may require.

271.565 *Filing of claims in receivership suits.* In receivership suits if the court appoints a liquidating receiver the court may require all creditors of the corporation to file with the clerk of the court or with the receiver proofs under oath of their respective claims. If the court requires the filing of claims it shall fix a date, which shall be not less that four months from the date of the order, as the last day for the filing of claims, and shall prescribe the notice that shall be given to creditors and claimants of the date so fixed. Prior to the date so fixed, the court may extend the time for the filing of claims. Creditors and claimants failing to file proofs of claim on or before the date so fixed may be barred, by order of court, from participating in the distribution of the assets of the corporation.

271.570 *Decree of involuntary dissolution.* In receivership suits in which a liquidating receiver has been appointed by the court to liquidate the assets of the corporation, when the costs and expenses of such suit and all debts, obligations and liabilities of the corporation have been paid and discharged and all of its remaining property and assets distributed to its shareholders, or in case its property and assets are not sufficient to satisfy and discharge such costs, ex-

penses, debts, and obligations, all the property and assets have been applied so far as they will go to their payment, the court may enter a decree dissolving the corporation, and upon such decree becoming final the existence of the corporation shall cease.

271.575 *Filing and recording of decree of dissolution.* In every case of the dissolution of a corporation by court decree the clerk of the court shall cause one certified copy of the decree of dissolution to be filed in the office of the Secretary of State and another certified copy thereof to be recorded in the office of the clerk of the county court of the county in which the registered office of the corporation is situated. No fee shall be charged by the Secretary of State for the filing thereof and no fee shall be charged by the clerk of the county court for the recording thereof.

271.580 *Disposition of distributive portions due shareholders who are unknown or cannot be found.* (1) Where, in the distribution of the assets of a corporation among its shareholders, a shareholder entitled to a distributive portion is unknown or cannot be found, the directors of the corporation or the receiver, as the case may be, having control of such distribution, shall deposit such distributive portion with the Department of Revenue. In the event distribution is made other than in cash, the distributive portion shall be reduced to cash before being so deposited. At the time of making the deposit, the directors or receiver, as the case may be, shall file with the Department of Revenue a written report giving the name of the shareholder, if known, his last known address, the amount of the distributive portion, and such other information as the department may require. The department shall mail a copy of such report to the sheriff of the county in which the registered office of the corporation was located, at the time reports of abandoned property are next mailed to sheriffs under the provisions of KRS 393.110, and the sheriff shall post and publish the report, and certify the fact thereof, the same as provided in KRS 393.110 for reports of abandoned property.

(2) Sums deposited with the Department of Revenue pursuant to subsection (1) of this section shall be promptly paid into the State Treasury by the department.

(3) The shareholder or any other person entitled to an interest in a distributive portion deposited with the Department of Revenue as provided in subsection (1) of this section shall have the same rights with regard to the recovery of the same from the state as are provided in KRS 393.140 to 393.160 for claimants of property presumed to be abandoned, and all of the provisions of said sections shall be applicable.

(4) If a distributive portion is not deposited with the Department of Revenue as provided in subsection (1) of this section, the directors of the corporation or the receiver, as the case may be, having control of the distribution, shall be jointly and severally liable to the shareholder for the amount of such portion not so deposited.

271.585 *Survival of remedy after dissolution.* The dissolution of a corporation, either by the issuance of a certificate of dissolution by the Secretary of State, or by the decree of a court when the court has not liquidated the assets and business of the corporation, or by expiration of its period of duration, shall not take away or impair any remedy available to or against such corporation, its directors, or shareholders, for any right or claim existing, or any liability incurred, prior to such dissolution, if suit thereon is commenced within two years after the date of such dissolution. Any such suit by or against the corporation may be prosecuted or defended by the corporation in its corporate name.

271.590 *Revocation of corporate powers.* If any corporation fails to comply with any provision of its articles or certificate of incorporation under which it does business in this state, or is guilty of any abuse or misuse of any corporate power, privilege or franchise, or becomes detrimental to the interest and welfare of the state or its citizens, the Attorney-General may institute proceedings necessary and proper to revoke its corporate powers. In any such proceedings, the court may grant the relief asked for, or such other or partial relief as to it seems just and expedient.

271.595 *Requirements as to bond.* If bond is required to be executed before using any corporate power, franchise or privilege, no corporation shall use any such power, franchise or privilege without first executing such bond.

271.600 *Charters and grants since 1856 may be repealed.* All corporate charters granted and grants made to corporations since February 14, 1856, may be revoked by the General Assembly, unless a contrary intent is plainly expressed; but no revocation or repeal shall impair other rights previously vested.

271.605 *Secondary action by shareholders.* In a suit brought to enforce a secondary right on the part of one or more shareholders of a corporation, because the corporation has refused to enforce rights which may properly be asserted by it, the corporation by such shareholder or shareholders shall be the plaintiff (For example: X Corporation by John Doe, Shareholder) and the petition shall allege the ownership of shares by such shareholder or shareholders at the time of the transaction complained of or that such ownership devolved on such shareholder or shareholders by operation of law. The petition shall also set forth with particularity the effort of such shareholder or shareholders to secure from the directors and, if necessary, from the other shareholders the desired action, and the reasons for failure to obtain such action or the reasons for not making such effort to obtain such action.

271.610 *Service of process on foreign corporation after withdrawal from state, or in case of unauthorized doing of business in state.* (1) Any foreign corporation authorized to do business in this state that desires to withdraw from the state shall file with the Secretary of State a written notice of its intent to withdraw, stating the date as of which withdrawal will be made and the postoffice address of its home office. For the purpose of any cause of action arising in this state in which this state is the plaintiff, brought at any time after such withdrawal date, and for the purpose of any cause of action arising in this state in which a person other than this state is the plaintiff, brought within four years after such withdrawal date, the Secretary of State shall constitute an agent for the service of process upon the corporation.

(2) Any foreign corporation that does business in this state without having complied with the provisions of KRS 271.385 as to designation of process agent shall, by such doing

of business, be deemed to have made the Secretary of State its agent for the service of process in any civil action instituted in the courts of this state against such corporation involving a cause of action arising out of or connected with the doing of business by such corporation in this state. The plaintiff in such an action shall set forth in his petition the postoffice address of the home office of the corporation.

(3) A plaintiff desiring to obtain service on a corporation under this section shall cause two copies of his petition, together with two copies of the summons, to be served upon the Secretary of State. The Secretary of State shall immediately forward one copy of the petition, and one copy of the summons, by registered mail, to the corporation at its home office as shown in its notice of intent to withdraw or in the plaintiff's petition, as the case may be. The process server shall make the usual return to the court, and in addition the Secretary of State shall make a return to the court, showing that the acts contemplated by this subsection have been performed, and shall attach to his return the registry receipt, if any. Jurisdiction over the corporation shall not attach until the return by the Secretary of State is filed.

(4) The Secretary of State shall keep a file of the petitions and summons served upon him, and shall make a record of the action taken by him respecting the service in each case. His return to the court shall be conclusive as between the parties, but shall not protect him in an action for damages, by any party aggrieved, in case of his dereliction of duty in this regard.

(5) For service under this section, the plaintiff shall cause to be paid to the Secretary of State a fee of five dollars at the time the petitions and summons are served upon the Secretary of State, which fee shall be taxed as costs in the action.

(6) Until such time as notice of intent to withdraw is filed as provided in subsection (1) of this section, the process agent of a foreign corporation designated pursuant to KRS 271.385 shall remain agent for the service of process.

271.615 *Application of chapter to corporations in existence on June 30, 1946.* (1) Subject to the provisions of

this section, this chapter, so far as it can be made applicable, shall apply to any corporation in existence on June 30, 1946, which was formed under the general corporation laws of this state or by special Act for a purpose or purposes for which a corporation might be formed under this chapter.

(2) The principal office or place of business as specified in the articles of incorporation of such existing corporation, or as changed pursuant to statement of change filed under former KRS 271.090, shall be deemed to constitute the registered office of the corporation.

(3) The process agent designated by such existing corporation under the provisions of former KRS 271.090 shall constitute the process agent of the corporation until changed as provided in KRS 271.385.

(4) It shall not be necessary for any such existing corporation to amend its articles to set forth the provisions required by this chapter to be set forth in articles of incorporation.

(5) The provisions of this chapter as to the minimum amount of capital with which a corporation may begin business shall not apply to any such existing corporation.

(6) Such existing corporation shall have all of the powers enumerated in KRS 271.125.

(7) The existing classes of shares of such existing corporation shall not be affected by this chapter, but all allotments of shares made after June 30, 1946, and all changes in classes of shares and rights of shareholders made after such date shall be in accordance with the provisions of this chapter.

(8) The form of existing stock certificates shall not be affected by this chapter, but certificates issued after June 30, 1946, shall conform to this chapter.

§ 2. Section 271.990 of the Kentucky Revised Statutes is repealed, and a new section, to carry the same number, is created, reading as follows:

271.990 *Penalties.* (1) Any corporation that does business in this state without complying with the provisions of this chapter that require certain things to be done before doing business, and any officer, director or agent of the corpo-

ration who knowingly participates in such unauthorized doing of business, shall, for each offense, be fined not less than one hundred dollars nor more than one thousand dollars.

(2) Any corporation that violates any provision of this chapter, and any officer, director or agent of the corporation who is responsible for such violation or who knowingly participates therein, shall, for each offense, be fined not less than one hundred dollars nor more than one thousand dollars.

§ 3. Section 271.420 of the Kentucky Revised Statutes is renumbered to be section 416.210.

§ 4. Section 271.430 of the Kentucky Revised Statutes is renumbered to be section 273.150.

§ 5. A new section of the statutes is created, to embrace certain provisions formerly contained in section 271.990 of the Kentucky Revised Statutes, said section to be numbered section 273.990 and to read as follows:

273.990 *Penalties.* (1) If any board of directors or trustees fails to make the report required by KRS 273.150, each director or trustee shall be fined ten dollars for each day until the report is made.

(2) Any director or trustee of any incorporated cemetery or burying ground organized for private profit who is convicted of violating any provisions of its charter or any statute relating to cemeteries or burying grounds shall be removed from that position.

(3) Any superintendent of any incorporated cemetery or burying ground who violates its charter shall be fined not less than ten nor more than one hundred dollars and removed from that position.

§ 6. A new section of the statutes is created, to embrace certain provisions formerly contained in section 271.130 of the Kentucky Revised Statutes, said section to be numbered 287.085 and to read as follows:

287.085 *Increase of capital stock.* No increase of the capital stock of a banking or trust company shall be valid until it has been bona fide subscribed, and one-half of it actually paid in. The remainder shall be paid in within one year.

§ 7. A new section of the statutes is created, to embrace certain provisions formerly contained in section 271.190 of the Kentucky Revised Statutes, said section to be numbered section 287.365 and to read as follows:

287.365 *Enforcement of stockholders' liability.* Any trustee, assignee for the benefit of creditors, receiver or commissioner, having in his hands for administration and settlement any estate of an insolvent bank or trust company, under the order or appointment of any court of competent jurisdiction, when found necessary under the proper administration of the assets and the settlement of the estate, shall, upon the order of the court appointing him, or upon the order of any court to which application is made in case the original appointment was not made by a court, bring any action necessary and proper to enforce the liability, under susbection (1) of KRS 287.360, of the stockholders of the bank or trust company.

§ 8. A new section of the statutes is created, to embrace certain provisions formerly contained in Sections 271.180 and 271.190 of the Kentucky Revised Statutes, said section to be numbered section 296.135 and to read as follows:

296.135 *Double liability of stockholder.* (1) Stockholders in guaranty companies and insurance companies shall be liable equally and ratably, and not one for the other, for all contracts and liabilities of the company to the extent of the amount of their stock at par value, in addition to the amount of such stock.

(2) Persons holding stock as fiduciaries shall not be personally liable as stockholders, but the estates in their hands shall be liable the same as the property of other stockholders.

(3) No transfer of stock shall release any such liability existing at the time of the transfer if the action to enforce such liability is commenced within two years from the time of transfer.

(4) The liability of stockholders provided for by this section may be enforced as provided in KRS 287.365 for stockholders of banks and trust companies.

§ 9. A new section of the statutes is created, to embrace certain provisions formerly contained in sections 271.180 and 271.190 of the Kentucky Revised Statutes, said section to be numbered section 291.115 and to read as follows:

291.115 *Double liability of stockholders.* (1) Stockholders in investment companies shall be liable equally and ratably, and not one for the other, for all contracts and liabilities of the company to the extent of the amount of their stock at par value, in addition to the amount of such stock.

(2) Persons holding stock as fiduciaries shall not be personally liable as stockholders, but the estates in their hands shall be liable the same as the property of other stockholders.

(3) No transfer of stock shall release any such liability existing at the time of the transfer if the action to enforce such liability is commenced within two years from the time of transfer.

(4) The liability of stockholders provided by this section may be enforced as provided in KRS 287.365 for stockholders of banks and trust companies.

§ 10. A new section of the statutes is created, to embrace certain provisions formerly contained in subsection (2) of section 271.230 of the Kentucky Revised Statutes, said section to be numbered section 287.065 and to read as follows:

287.065 *Qualifications of directors.* Each director of a bank or trust company shall own, in his own right, five shares of capital stock, and a majority of the directors must be residents of Kentucky during their term of office.

§ 11. A new section of the statutes is created, to embrace certain provisions formerly contained in subsection (2) of Section 271.230 of the Kentucky Revised Statutes, said section to be numbered section 296.115 and to read as follows:

296.115 *Qualifications of directors.* Each director of an insurance company shall own, in his own right, five shares of capital stock, and a majority of the directors must be residents of Kentucky during their term of office. An insurance company may, by bylaws, require that each director own a greater number of shares of stock than five, and that such

qualifying shares be deposited with the treasurer of the company.

§ 12. Section 136.040 of the Kentucky Revised Statutes is repealed.

§ 13. Section 136.060 of the Kentucky Revised Statutes is amended to read as follows:

136.060 *Corporation organization tax.* (1) Every corporation incorporated under the laws of this state, having a capital stock divided into shares, shall pay into the State Treasury, at the time of incorporation, an organization tax based upon the number of shares authorized by the articles of incorporation, at the following rates:

(a) In the case of shares having a par value, one cent for each share authorized up to and including twenty thousand shares, one-half cent for each such share in excess of twenty thousand shares, and up to and including two hundred thousand shares, and one-fifth cent for each such share in excess of two hundred thousand shares;

(b) In the case of shares having no par value, one-half cent for each share authorized up to and including twenty thousand shares, one-quarter cent for each such share in excess of twenty thousand shares up to and including two hundred thousand shares, and one-fifth cent for each such share in excess of two hundred thousand shares.

(2) Upon the filing of an amendment to articles of incorporation changing the authorized number of shares (of par value, or of no par value, or both), the tax that would be due upon the number of shares authorized by the articles of incorporation as so amended, at the rates set forth in subsection (1) of this section, shall be computed, and if the tax as so computed exceeds the amount of tax computed on the basis of the number of shares authorized by the articles prior to such amendment such excess tax shall be paid at the time the amendment is filed.

(3) If it is provided in the articles of incorporation that shares having no par value may be exchanged for or converted into shares having a par value, or that shares having a par value may be exchanged for or converted into shares

having no par value, the maximum number of shares of the respective types that might be issued by reason of such exchange or conversion, shall, for the purpose of computing the tax imposed by this section, be counted as authorized shares.

(4) Every corporation that has not, prior to July 1, 1946, become liable for the payment of a Kentucky organization tax upon any or all of its capital stock, and that by amendment of its articles of incorporation changes its name, increases its powers, enlarges its scope, or prolongs its corporate life, shall, upon the filing of the amendment, pay the tax as provided in subsection (1) of this section upon its entire capital stock, or so much thereof as has not theretofore borne the tax.

(5) A consolidated or merged corporation formed under the laws of this state shall not be required to pay any organization tax on the number of shares of capital stock on which the organization tax has been paid by the constituent corporations prior to the consolidation or merger, but the organization tax shall be paid on any increase of the number of shares of capital stock of the consolidated corporation over the aggregate number of shares of the constituent corporations prior to the consolidation or merger. When a foreign corporation consolidates or merges with one or more corporations of this state, the organization tax shall be paid on the number of shares of capital stock of the foreign corporation.

(6) No corporation subject to the tax imposed by this section shall have or exercise any corporate powers until the tax has been paid, and upon payment it shall file a statement thereof with the Secretary of State. No corporation required to pay a tax under any of the provisions of this section shall in any event pay a less sum therefor than $10.00.

§ 14. Section 272.040 of the Kentucky Revised Statutes is amended to read as follows:

Any cooperative company may become subject to the provisions of KRS 272.020 to 272.050 by filing with the Secretary of State a declaration signed and sworn to by the president and secretary that the company, by a majority vote of

its stockholders, has decided to adopt KRS 272.020 to 272.050. There shall be paid to the Secretary of State a fee of two dollars for filing the declaration.

§ 15. Section 273.010 of the Kentucky Revised Statutes is amended to read as follows:

Unless expressly included, corporations organized under KRS 273.020 shall not be subject to any statutes relating to corporations having a capital stock or organized for pecuniary profit, except KRS 271.385, requiring an agent for process, but shall at all times be subject to visitation by the legislature.

§ 15a. Section 277.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) A corporation may be formed under the laws of this state for the purpose of constructing, operating and maintaining a railroad, in the same manner as private corporations may be formed under Chapter 271, Kentucky Revised Statutes, with the following exceptions and additional provisions:

(a) The number of incorporators shall be not less than seven, and the articles of incorporation shall be acknowledged by not less than a majority of the incorporators.

(b) The number of directors shall be not less than five nor more than fifteen.

(c) The articles of incorporation shall specify the places from and to which, and the name of each county into or through which, the railroad is intended to be constructed, and its length as near as may be.

(d) In addition to the conditions precedent to beginning business as prescribed by KRS 271.095, subscriptions for its capital stock shall have been obtained in amount not less than $250 per mile, and twenty percent thereof paid in cash to the corporation; and a certificate of that fact, subscribed by its president or a vice-president, and its secretary or an assistant secretary, shall have been filed in the office of the Railroad Commission and in the office of the Secretary of State.

(2) The articles of incorporation of any corporation formed under the laws of this state for the purpose of constructing, operating and maintaining a railroad may be

amended for the purposes and in the manner provided for private corporations by Chapter 271, Kentucky Revised Statutes.

(3) A copy of the articles of incorporation, and of any amendment thereto, of any corporation formed under the laws of this state for the purpose of constructing, operating and maintaining a railroad, certified by the Secretary of State after filing in his office, shall be filed in the office of the Railroad Commission of Kentucky.

§ 16. Section 277.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 277.040, no corporation organized under the laws of any other state shall possess, control, maintain or operate any railroad or part thereof in this state, or condemn, purchase or hold land, or acquire a right of way, for depots, tracks or other railroad purposes, until it has filed with the Secretary of State a resolution adopted by its board of directors accepting the provisions of the Kentucky Constitution, as contemplated by Section 190 of the Constitution, and until, by incorporation under the laws of this state, it has become a corporation of this state.

(2) Any such corporation may, for the purposes set forth in this section, become a corporation of this state by filing in the office of the Secretary of State and in the office of the Railroad Commission a copy of its charter or articles of incorporation, authenticated by its seal and by the attestation of its president and secretary. The Secretary of State shall then issue to the corporation a certificate of incorporation.

(3) Where a railroad corporation organized under the laws of any other state has, prior to July 1, 1946, filed with the Secretary of State a resolution or a copy thereof, certified by its secretary as adopted by its board of directors, accepting the provisions of the Kentucky Constitution, as provided in subsection (1) of this section, and has also before such date filed in the office of the Secretary of State and in the office of the Railroad Commission a copy of its charter or articles of incorporation, authenticated by its seal and by the attestation of its president and secretary, as provided in sub-

section (2) of this section, it shall not be required to refile said documents or any of them, or any copy or copies thereof, but upon application by said railroad corporation, showing such former compliance, it shall be the duty of the Secretary of State to issue such foreign railroad corporation a certificate of incorporation as a corporation of this state, duly organized as such under the provisions of this section.

§ 17. Section 277.120 of the Kentucky Revised Statutes is amended to read as follows:

Any railroad company organized under the laws of this state may borrow as much money as is necessary for funding its floating debt, or for completing, equipping or operating its road or any part thereof, or for paying any debt incurred for such purposes, and may mortgage its property and franchise to secure the payment of any debt contracted for such purposes, and issue and dispose of its bonds or obligations for any amount so borrowed.

§ 18. Section 281.270 of the Kentucky Revised Statutes is amended to read as follows:

Any common carrier or contract carrier who is a nonresident of this state, other than a corporation required to have an agent under KRS 271.385, shall, prior to operating any motor vehicle for hire in this state, appoint a person residing in this state as agent upon whom process may be served, and shall maintain such an agent so long as the carrier operates a motor vehicle for hire in this state. The appointment shall be made by filing in the office of the Division of Motor Transportation a statement giving the name and residence of the agent. If the carrier is an individual, the statement shall be subscribed by him; if the carrier is a partnership or an unincorporated association or company, the statement shall be subscribed by a partner or by an officer. When any change is made in the agent, the carrier shall immediately file with the Division of Motor Transportation a statement of the change, and the former agent shall remain agent for the purpose of service until the statement of appointment of the new agent is filed.

§ 19. Section 289.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any nine or more residents of this state may organize a mutual building and loan association.

(2) The words "building association" shall form a part of the name of every association.

(3) In addition to the requirements of KRS 271.035, the articles of incorporation shall state the number of shares that have been subscribed for at the time of filing the articles.

§ 20. Section 289.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before filing the articles of incorporation with the Secretary of State, the incorporators shall present a copy of the articles of incorporation, together with the proposed by-laws of the association to the director of banking for his approval.

(2) The director of banking shall carefully examine the articles and shall investigate the financial standing and moral character of the incorporators, and determine whether the incorporators are seeking to establish a bona fide association, and are acting in good faith. Upon his conclusions, he shall approve or refuse to approve the articles of incorporation. If the director approves the articles, the Secretary of State may receive the articles for filing and recording.

(3) Upon the filing and recording of the articles and doing all other things required by laws, the building and loan association shall be deemed organized, but no corporation seeking to do a building and loan business shall actually transact any business until it receives from the director of banking a certificate, stating that the corporation has fully complied with this chapter and other pertinent laws.

§ 21. The introductory clause and subsection (9) of section 292.020 of the Kentucky Revised Statutes are amended to read as follows:

Except as otherwise expressly provided, the provisions of this chapter shall not apply to:

(9) The shares of capital stock of a corporation, organized under the laws of this state for the purpose of doing business in this state, issued in obtaining the amount of capital stated in the articles of incorporation as the amount

of capital with which the corporation will begin business, in accordance with the provisions of KRS 271.035, 271.085 and 271.095, where no expense in excess of one percent of the proceeds from the sale of its capital stock so issued is incurred, and no commission, compensation or other remuneration is paid or given for or in connection with the sale or disposition of such capital stock, and no part of the issue so disposed of is issued directly or indirectly in payments for patents, services, good will, trade-marks, leases, copyrights, processes, formulae, or other intangible assets. The president and secretary of the corporation shall, prior to such disposal, file with the director a written verified statement setting forth the existence of the above facts, and that the corporation is formed for the purpose of doing business in this state.

§ 22. Section 296.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any number of persons not less than thirteen may associate to establish an insurance company, including one for the sole purpose of transacting the business of real estate title insurance.

(2) In addition to the general requirements for all corporations, the articles of incorporation shall specify the class of insurance the company proposes to transact, and on what business plan or principle; the number and amount of agreements for insurance, if any; and such other facts as may be necessary to explain and make manifest the objects and purposes of the corporation. The words "insurance company" shall be a part of the title of every such corporation, and also the word "mutual," if it is organized upon the mutual principle.

(3) In addition to complying with the provisions of KRS 271.055, the incorporators shall file a certified copy of the articles of incorporation in the office of the Division of Insurance.

§ 23. Paragraph (f) of subsection (6) of section 296.250 of the Kentucky Revised Statutes is amended to read as follows:

(f) All property held by an insurance company under this subsection shall be deemed to be property that is proper

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